

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LINDA THORNTON,**

**Plaintiff,**

V.

**FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,**

**Defendants.**

**Civil Action No.: 1:07cv712-WKW**

**EVIDENTIARY SUBMISSION IN SUPPORT OF DEFENDANT FLAVOR  
HOUSE PRODUCTS, INC.'S MOTION FOR SUMMARY JUDGMENT**

Defendant Flavor House Products, Inc. files the following evidence in support of its Motion for Summary Judgment:

- |    |   |           |
|----|---|-----------|
| 1. | Deposition of Linda Thornton, with exhibits           | Exhibit A |
| 2. | Deposition of Mary Ann Boyer, Volume 1, with exhibits | Exhibit B |
| 3. | Deposition of Mary Ann Boyer, Volume 2, with exhibits | Exhibit C |
| 4. | Deposition of Ricky Smothers, with exhibits           | Exhibit D |
| 5. | Deposition of Chris Jordan, with exhibits             | Exhibit E |
| 6. | Deposition of Kim Perkins, with exhibits              | Exhibit F |
| 7. | Deposition of Franklin Williams, with exhibits        | Exhibit G |
| 8. | Deposition of Melvin Hutchins, with exhibits          | Exhibit H |
| 9. | Deposition of Bruce Cassady, with exhibits            | Exhibit I |

- |     |  |           |
|-----|--|-----------|
| 10. | Deposition of Tommy Nance, with exhibits     | Exhibit J |
| 11. | Declaration of Mary Ann Boyer, with exhibits | Exhibit K |
| 12. | Declaration of Leigh Taylor                  | Exhibit L |

/s/ Jennifer F. Swain  
JENNIFER F. SWAIN  
Attorney for Defendant  
Flavor House Products, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that this pleading has been filed electronically, with copies served thereby, on August 8, 2008.

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JENNIFER F. SWAIN  
Attorney for Defendant  
Flavor House Products, Inc.

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE MIDDLE DISTRICT OF ALABAMA  
3           SOUTHERN DIVISION  
4       LINDA THORNTON,           )  
5           Plaintiff,           )  
6       VS.                        ) CIVIL ACTION NO:  
7       FLAVOR HOUSE PRODUCTS,)  
8       INC., et al.,            ) DEPOSITION OF:  
9           Defendants.    )   LINDA THORNTON

10

11                       S T I P U L A T I O N S

12           IT IS STIPULATED AND AGREED, by and  
13       between the parties through their respective  
14       counsel, that the deposition of:

15                       LINDA THORNTON,  
16       may be taken before Cathy A. DeBardleben,  
17       Commissioner and Notary Public, State at  
18       Large, at the Law Offices of Baker, Donelson,  
19       Bearman, Caldwell & Berkowitz, P.C., 1600  
20       Wachovia Tower, 420 North 20th Street,  
21       Birmingham, Alabama 35203, on the 19th day of  
22       February, 2008, commencing at approximately  
23       10:00 a.m.

Page 2	Page 4
<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that the signature to and reading of the</p> <p>3 deposition by the witness is waived, the</p> <p>4 deposition to have the same force and effect</p> <p>5 as if full compliance had been had with all</p> <p>6 laws and rules of Court relating to the</p> <p>7 taking of depositions.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND</p> <p>10 AGREED that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions, except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at the</p> <p>15 time of the trial, or at the time said</p> <p>16 deposition is offered in evidence, or prior</p> <p>17 thereto.</p> <p>18 ***</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 J. SCOTT CLARK</p> <p>2 Attorney at Law</p> <p>3 Ralcorp Holdings, Inc.</p> <p>4 St. Louis, Missouri 63188</p> <p>5</p> <p>6 RICHARD CRUM</p> <p>7 J.D. MENDHEIM</p> <p>8 Attorney at Law</p> <p>9 Shealy, Crum &amp; Pike, P.C.</p> <p>10 P.O. Box 6346</p> <p>11 2346 West Main Street</p> <p>12 Suite 1</p> <p>13 Dothan, Alabama 36302-6346</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 ANN C. ROBERTSON</p> <p>4 Attorney at Law</p> <p>5 Wiggins, Childs, Quinn</p> <p>6 &amp; Pantazis, LLC</p> <p>7 The Kress Building</p> <p>8 301 19th Street North</p> <p>9 Birmingham, Alabama 35203</p> <p>10</p> <p>11 BOBBIE S. CROOK</p> <p>12 Attorney at Law</p> <p>13 367 South St. Andrews Street</p> <p>14 Dothan, Alabama 36301</p> <p>15</p> <p>16 FOR THE DEFENDANTS:</p> <p>17 JENNIFER F. SWAIN</p> <p>18 Attorney at Law</p> <p>19 Baker, Donelson, Bearman,</p> <p>20 Caldwell &amp; Berkowitz, PC</p> <p>21 1600 Wachovia Tower</p> <p>22 420 North 20th Street</p> <p>23 Birmingham, Alabama 35203</p>	<p>1 I N D E X</p> <p>2</p> <p>3 MS. SWAIN: 8-219</p> <p>4</p> <p>5 E X H I B I T L I S T</p> <p>6 Defendant's Exhibit No. 1 - 32</p> <p>7 Defendant's Exhibit No. 2 - 38</p> <p>8 Defendant's Exhibit No. 3 - 46</p> <p>9 Defendant's Exhibit No. 4 - 52</p> <p>10 Defendant's Exhibit No. 5 - 84</p> <p>11 Defendant's Exhibit No. 6 - 86</p> <p>12 Defendant's Exhibit No. 7 - 91</p> <p>13 Defendant's Exhibit No. 8 - 93</p> <p>14 Defendant's Exhibit No. 9 - 96</p> <p>15 Defendant's Exhibit No. 10 - 99</p> <p>16 Defendant's Exhibit No. 11 - 120</p> <p>17 Defendant's Exhibit No. 12 - 128</p> <p>18 Defendant's Exhibit No. 13 - 145</p> <p>19 Defendant's Exhibit No. 14 - 152</p> <p>20 Defendant's Exhibit No. 15 - 166</p> <p>21 Defendant's Exhibit No. 16 - 207</p> <p>22 Defendant's Exhibit No. 17 - 210</p> <p>23 Defendant's Exhibit No. 18 - 214</p>

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<p>1 I, Cathy A. DeBardeleben, a Court  2 Reporter of Birmingham, Alabama, and a Notary  3 Public for the State of Alabama at Large,  4 acting as Commissioner, certify that on this  5 date, as provided by the Federal Rules of  6 Civil Procedure and the foregoing stipulation  7 of counsel, there came before me on the 19th  8 day of February, 2008, at the law offices of  9 Baker, Donelson, Bearman, Caldwell &amp;  10 Berkowitz, 1600 Wachovia Tower, 420 North  11 20th Street, Birmingham, Alabama 35203,  12 commencing at approximately 10:00 a.m., LINDA  13 THORNTON, witness in the above cause, for  14 oral examination, whereupon the following  15 proceedings were had:  16 LINDA THORNTON,  17 being first duly sworn, was examined and  18 testified as follows:  19 THE VIDEOGRAPHER: We now commence  20 the videotape deposition of Linda Thornton in  21 the matter of Linda Thornton versus Flavor  22 House Products, Incorporated and Franklin D.  23 Williams, Jr. in the United States District</p>	<p>1 with my office.  2 EXAMINATION BY MS. SWAIN:  3 State your name, please.  4 A Linda Thornton.  5 Q Ms. Thornton, as I said, my name is  6 Jennifer Swain. I'm an attorney representing  7 Flavor House in the lawsuit that you have  8 filed against it. I'm going to ask you  9 questions today. I'm going to ask you to let  10 me know if I ask you a question you don't  11 understand. Can you do that for me?  12 A Yes, ma'am.  13 Q If you don't understand, then I'll  14 try to rephrase it in a way that makes it  15 clear for you. But if you don't tell me that  16 you don't understand, I'll assume that you  17 do. I'm also going to ask you to give me  18 responses of yes or no or a narrative  19 response instead of a "uh-huh" or "unh-unh"  20 or a head nod. Can you do that?  21 A Yes, ma'am.  22 Q You can let me know if you need to  23 take a break at any time during the day and</p>
Page 7	Page 9
<p>1 Court for the Middle District of Alabama  2 Southern Division, case number  3 1:07CV-712-WKW. Today's date is February 19,  4 2008. We are at the law firm of Baker,  5 Donelson, Bearman, Caldwell &amp; Berkowitz. The  6 time is 10:18. The witness will be sworn,  7 the attorneys will introduce themselves and  8 the deposition will begin.  9 LINDA THORNTON,  10 being first duly sworn,  11 testified as follows:  12 THE REPORTER: Do y'all want the  13 usual stipulations?  14 MS. ROBERTSON: I think she'll read  15 and sign.  16 MS. SWAIN: Jennifer Swain, outside  17 counsel for Flavor House.  18 MS. CROOK: I'm Bobbie Crook, I'm  19 attorney for the plaintiff.  20 MS. ROBERTSON: Ann Robertson,  21 attorney for the plaintiff.  22 MR. CRUM: I'm Richard Crum, attorney  23 for Mr. Frank Williams. This is Don Mendheim</p>	<p>1 we can do that. I will ask you to answer any  2 question that's pending before you take your  3 break, but otherwise we can take a break any  4 time that you need to take one.  5 A Yes, ma'am.  6 Q Ms. Thornton, I understand that you  7 have also been known by the name of Linda  8 Parrish; is that right?  9 A Yes, ma'am.  10 Q Is that your maiden name?  11 A Yes, ma'am.  12 Q And you were married -- you're  13 currently married to Steven Thornton?  14 A Yes, ma'am.  15 Q And you were married once before  16 that?  17 A Yes, ma'am.  18 Q What was your first husband's name?  19 A Mylan Mizell Owens.  20 Q And were you known as Linda Owens at  21 one time?  22 A Yes, ma'am.  23 Q Does Mylan Mizell Owens still live in</p>

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Page 12

1 Alabama?

2 A No, ma'am. Linhaven, Florida.

3 Q And you have one son with him or two?

4 A Two.

5 Q Two sons. One lives with you?

6 A Yes, ma'am.

7 Q And how old is that child?

8 A 15.

9 Q Okay. And then your older son is how  
10 old now?

11 A 21.

12 Q And where does he live?

13 A With his father.

14 Q In Florida?

15 A Yes, ma'am.

16 Q No other children?

17 A No, ma'am.

18 Q Do you have any stepchildren with  
19 your current husband?

20 A Yes, ma'am.

21 Q How old are they?

22 A 15.

23 Q Just one?

1 taking?

2 A Zoloft.

3 Q What dosage of Zoloft are you taking?

4 A Between 50 and 100 milligrams daily.

5 Q Have you been on antidepressants  
6 consistently since 2003?

7 A Until now?

8 Q Correct.

9 A No, ma'am.

10 Q Was 2003 the first time that you  
11 began taking antidepressants?

12 A No, ma'am.

13 Q When was the first time that you took  
14 antidepressants?

15 A During my divorce to my first  
16 husband.

17 Q Which would have been when?

18 A I don't recall the date.

19 Q Do you recall what year that was?

20 A No, ma'am.

21 Q Was it more than 10 years ago?

22 A Yes, ma'am.

23 Q Were you living in Alabama at that

Page 11

Page 13

1 A Yes, ma'am.

2 Q Does that child live with you?

3 A It's his child through another  
4 marriage.

5 Q Right. Does the child live with you?  
6 No, ma'am.

7 Q The child lives with his mother?

8 A Yes, ma'am.

9 Q And is Steven Thornton employed?

10 A Yes, ma'am.

11 Q Where?

12 A At Army Fleet Support, Ft. Rucker.

13 Q What does he do there?

14 A He is a lead person.

15 Q And when did you get married to  
16 Steven Thornton?

17 A On October 1st.

18 Q Of what year?

19 A 2004, I believe.

20 Q Now, are you still on anti-  
21 depressants?

22 A Yes, ma'am.

23 Q What antidepressant are you currently

1 time?

2 A Yes, ma'am.

3 Q In Dothan?

4 A Yes, ma'am.

5 Q And who prescribed the anti-  
6 depressants for you at the time of your  
7 divorce from your first husband?

8 A Dr. Dozier.

9 Q Is he in Dothan?

10 A Yes, ma'am.

11 Q And how long were you on anti-  
12 depressants around that time frame?

13 A I'm not sure.

14 Q Was it more than a year?

15 A I don't believe so.

16 Q What medication were you on?

17 A Prozac.

18 Q All right. So, you were on Prozac at  
19 some point in the past, you don't know when.  
20 Your younger son is 15 years old, right?

21 A My youngest?

22 Q Correct.

23 A Yes, ma'am.



(Pages 14 to 17)

5

Page 14

1 Q And he had already been born at the  
2 time of your divorce from your first husband?  
3 A Yes, ma'am.  
4 Q So some time within 15 years ago?  
5 A Yes, ma'am.  
6 Q When was the next time that you took  
7 antidepressants?  
8 A I believe it was after I started  
9 working at Flavor House.  
10 Q Was that on the occasion in 2003 when  
11 you were diagnosed with depression?  
12 A I'm not sure of the date.  
13 Q Do you recall what antidepressants  
14 you were taking at that time?  
15 A No, ma'am. I believe it was Paxil,  
16 but I'm not sure.  
17 Q And you were taking that for  
18 depression; is that correct?  
19 A I can't recall at the time what it  
20 was for.  
21 Q Okay. Have you ever been prescribed  
22 Xanax for anxiety?  
23 A Yes, ma'am.

Page 15

1 Q Was that in that same time frame?  
2 A I'm not sure.  
3 Q Do you recall what doctor prescribed  
4 those medications for you?  
5 A I presently have been prescribed  
6 Xanax by Dr. Beninger.  
7 Q That's now?  
8 A Yes, ma'am.  
9 Q Okay. I'm talking about earlier on  
10 when you were working at Flavor House back  
11 somewhere in the 2003 time frame.  
12 A I'm not sure. It could have been Dr.  
13 Rasmussen.  
14 Q Okay. All right. From the time that  
15 you began taking the Paxil and Xanax back  
16 with Dr. Rasmussen, how long were you on  
17 those medications in that time frame?  
18 MS. ROBERTSON: Object.  
19 A I don't understand.  
20 Q All right. You indicated that at  
21 some time after you began working at Flavor  
22 House that you began taking antidepressants,  
23 correct?

Page 16

1 A Yes, ma'am.  
2 Q Did you also begin taking Xanax some  
3 time in that time frame?  
4 A I'm not sure.  
5 Q How long were you on antidepressants  
6 in that time frame after you began working at  
7 Flavor House?  
8 A I'm not sure about that either. I  
9 would have to have my doctor's records.  
10 Q Okay. Well, is it safe to say that  
11 whatever your doctor's records show is the  
12 times that you were on medication?  
13 A Yes, ma'am.  
14 Q No reason to dispute their accuracy?  
15 A Not that I'm aware of.  
16 Q Other than Dr. Rasmussen and your  
17 current doctor's name is Doctor -- is it  
18 Beninger?  
19 A Yes, ma'am.  
20 Q And Dr. Dozier. Have any other  
21 doctors ever prescribed antidepressants for  
22 you?  
23 A Not that I can recall.

Page 17

1 Q Are you on Prozac today?  
2 A No, ma'am.  
3 Q Are you on Xanax today?  
4 A No, ma'am.  
5 Q Are you on any medications today?  
6 A I take my nightly Zoloft.  
7 Q So, you're currently on Zoloft as  
8 well?  
9 A Yes, ma'am.  
10 Q How long have you been on that?  
11 A I'm not quite sure of the date.  
12 Q Did you take antidepressants back in  
13 the 2003 time frame because of stress that  
14 you were experiencing relating to a police  
15 officer taking action against your children?  
16 A Not that I can remember.  
17 Q Did you ever testify in that lawsuit  
18 that you were taking antidepressants or  
19 anti-anxiety medications for that reason?  
20 A I don't recall.  
21 Q Did you give a deposition in a case  
22 that you brought against a police officer?  
23 A Yes, ma'am.

Page 18

1 Q Did you testify truthfully in that  
2 deposition?

3 A Yes, ma'am.

4 Q What was the resolution of that  
5 lawsuit?

6 A It was thrown out.

7 Q By the Court or did you dismiss it?

8 A I believe the Court.

9 Q Other than you said you took Zolof  
10 when, last night?

11 A Yes, ma'am.

12 Q Okay. Other than that, are you on  
13 any other medications today?

14 A My Lorcet for my back pain.

15 Q When did you take Lorcet?

16 A When?

17 Q Correct.

18 A This morning, a half a one.

19 Q Any other medications?

20 A No, ma'am.

21 Q Is there anything about the  
22 medications, the Lorcet and Zolof that you  
23 have taken that affect your ability to

Page 19

1 remember things?

2 A No, ma'am.

3 Q Do they effect in anyway your ability  
4 to testify here today?

5 A No, ma'am.

6 Q Other than the deposition you gave in  
7 the case that you brought against the police  
8 officer, have you ever given a deposition on  
9 any other occasions?

10 A Not that I can remember.

11 Q Did you give a deposition during your  
12 divorce from your first husband?

13 A Not that I can remember.

14 Q And have you ever testified at trial  
15 as a witness?

16 A Yes, ma'am.

17 Q And when was that?

18 A I'm 43. I believe it was maybe 23  
19 years ago.

20 Q And what matter was that relating to?

21 A My father had a DUI, and he was at my  
22 residence before he was pulled over.

23 Q Any other occasion in which you

Page 20

1 testified in a trial?

2 A Not that I can recall.

3 Q You were arrested for possession of  
4 marijuana in 1999?

5 A I'm not sure of the year.

6 Q But at some point in the past, you  
7 were arrested for the possession of  
8 marijuana; is that correct?

9 A Yes, ma'am.

10 Q And you pled guilty to that?

11 A Yes, ma'am.

12 Q And your sentence was suspended?

13 A I'm not sure I understand.

14 Q You were put on probation?

15 A Yes, ma'am.

16 Q You didn't actually go to jail?

17 A No, ma'am.

18 Q And you were arrested on another  
19 occasion for some kind of domestic violence  
20 charge?

21 A Yes, ma'am.

22 Q And you were not convicted of that;  
23 is that correct?

Page 21

1 A Yes, ma'am.

2 Q Have you ever been arrested on any  
3 other occasions?

4 A On one other domestic violence.

5 Q When was that?

6 A I'm not sure of the year.

7 Q So, twice you were arrested for  
8 domestic violence?

9 A Yes, ma'am.

10 Q And did both of those -- well, did  
11 they involve husbands of yours?

12 A The first one was an ex-husband.

13 Q And who was that?

14 A Mylan Mizell Owens.

15 Q So, he was your ex-husband at the  
16 time?

17 A Yes, ma'am.

18 Q And do you know what the charge was  
19 against you?

20 A No, ma'am.

21 Q Did you enter a plea in that matter?

22 A No, ma'am.

23 Q What county was that in?

(Pages 22 to 25)

7

Page 22

1 A Houston.  
 2 **Q What was the resolution of that**  
 3 **charge?**  
 4 A It was dismissed.  
 5 **Q By the Court?**  
 6 A Yes, ma'am.  
 7 **Q All right. Then the second domestic**  
 8 **violence charge, who did that involve?**  
 9 A An ex-boyfriend.  
 10 **Q And who was that?**  
 11 A Morris Manly.  
 12 **Q Was that also in Houston County?**  
 13 A Midline City.  
 14 **Q When were you dating Morris Manly?**  
 15 A I'm not sure of the dates.  
 16 **Q About how long ago was it?**  
 17 A It's been years. I'm not quite sure.  
 18 **Q Was it before or after you were**  
 19 **married to Mylan Mizell Owens?**  
 20 A It was after.  
 21 **Q So, it was between Owens and your**  
 22 **current husband?**  
 23 A Yes, ma'am.

Page 23

1 **Q And what occurred to prompt your**  
 2 **arrest on domestic violence charges against**  
 3 **Morris Manly?**  
 4 A I would not press charges, so he took  
 5 both of us to jail.  
 6 **Q So, you were accusing him of being**  
 7 **violent towards you?**  
 8 A I had cuts and bruises and blood.  
 9 **Q Is that a "yes"?**  
 10 A Yes.  
 11 **Q Did he accuse you of being violent**  
 12 **towards him?**  
 13 A I'm not sure.  
 14 **Q What about with Mylan Mizell Owens?**  
 15 **Did he accuse you of being violent towards**  
 16 **him?**  
 17 A Yes.  
 18 **Q Had you, in fact, been violent**  
 19 **towards him?**  
 20 A I defended myself.  
 21 **Q By doing what?**  
 22 A Protecting myself from him hitting  
 23 me.

Page 24

1 **Q And what did you do to him to protect**  
 2 **yourself?**  
 3 A I'm not quite sure.  
 4 **Q Did he get arrested as well?**  
 5 A No.  
 6 **Q So, he was hitting you, but you were**  
 7 **the one that got arrested?**  
 8 A Yes, ma'am.  
 9 **Q Did you give testimony in either one**  
 10 **of those matters?**  
 11 A No.  
 12 **Q Any other arrests?**  
 13 A Not that I can recall.  
 14 **Q Do you think you would recall having**  
 15 **been arrested?**  
 16 A Ma'am?  
 17 **Q Do you think you would recall having**  
 18 **been arrested?**  
 19 A I would think so.  
 20 **Q Have you ever filed an EEOC charge**  
 21 **against anyone, other than Flavor House?**  
 22 A No, ma'am.  
 23 **Q Have you ever accused anyone, other**

Page 25

1 **than Flavor House and Frank Williams, of**  
 2 **employment-related claims such as harassment**  
 3 **or discrimination?**  
 4 A No, ma'am.  
 5 **Q You were hired by Flavor House in**  
 6 **June of 2001; is that right?**  
 7 A Yes, ma'am.  
 8 **Q Now, you initially worked at Flavor**  
 9 **House through a temporary agency?**  
 10 A Yes, ma'am.  
 11 **Q How long were you with the temporary**  
 12 **agency?**  
 13 A Approximately 90 days.  
 14 **Q And did that 90 days begin in June of**  
 15 **2001 or was it the 90 days before June of**  
 16 **2001?**  
 17 A I'm not quite sure.  
 18 **Q And you quit on June -- well, your**  
 19 **last day you worked was June 16th 2006; is**  
 20 **that correct?**  
 21 A I believe so.  
 22 **Q And you actually quit on June 21st**  
 23 **2006?**



Page 26

- 1 A I'm not sure of the date.  
2 Q So, some time after the 16th of June?  
3 A Yes, ma'am.  
4 Q Do you recall whether the 16th of  
5 June was a Friday?  
6 A I believe so, but I'm not sure.  
7 Q At the time that you were hired by  
8 Flavor House, you were a laborer, correct?  
9 A Ma'am?  
10 Q At the time that you were hired by  
11 Flavor House, you were hired in as a laborer;  
12 is that correct?  
13 A Yes, ma'am.  
14 Q And at some point, you became an  
15 operator?  
16 A Yes, ma'am.  
17 Q When was that? How long did you work  
18 there as a laborer before you became an  
19 operator?  
20 A I'm not sure how long it was.  
21 Q Can you give me an estimate?  
22 A No, ma'am.  
23 Q Do you recall where in the plant that

Page 27

- 1 you worked initially?  
2 A Yes, ma'am.  
3 Q Where was that?  
4 A On line two.  
5 Q So, you started out on line two as a  
6 laborer. And where was the next area that  
7 you worked?  
8 A I worked different areas on line two.  
9 Q Okay.  
10 A And I had worked on line one after  
11 line two.  
12 Q Okay. Do you recall when you went to  
13 line one?  
14 A No, ma'am.  
15 Q When you were working on line one,  
16 were you already an operator at that time?  
17 A I'm not sure the definition of the  
18 operator.  
19 Q All right. Let me ask you this: At  
20 what point did you become a label operator?  
21 A Maybe after a year of employment.  
22 Q Okay. And did you become a label  
23 operator still on line two or had you already

Page 28

- 1 moved to line one?  
2 A I had moved to line one.  
3 Q And did you remain a label operator  
4 until you left your employment with Flavor  
5 House?  
6 A Yes, ma'am.  
7 Q Okay. And I may have asked you  
8 this. And if you did, I don't remember your  
9 answer. Do you recall when you began working  
10 on line one? Was that job that you said was  
11 about a year after you began working?  
12 A I believe so, but I'm not sure.  
13 Q What were your duties as a label  
14 operator?  
15 MS. ROBERTSON: Object to the form.  
16 A To set up the machine, to run the  
17 proper labels, the proper size. We have a  
18 checklist of our duties.  
19 Q And in a nutshell you were -- that  
20 may be a -- no pun intended. The machine you  
21 worked on put labels on jars or cans that  
22 contained nuts; is that right?  
23 A Yes, ma'am.

Page 29

- 1 Q Okay. And that's what Flavor House  
2 did, was they manufactured packaged nuts; is  
3 that right?  
4 A Yes, ma'am.  
5 MS. ROBERTSON: It's a nut house.  
6 Q It's a nut house.  
7 When you were working on line one,  
8 was Fannie Ash your supervisor the whole time  
9 that you were on line one?  
10 A No, ma'am.  
11 Q Okay. Was she your supervisor when  
12 you started out on line one?  
13 A No, ma'am.  
14 Q Who was?  
15 A Buck Perkins.  
16 Q Buck Perkins?  
17 A Yes, ma'am.  
18 Q And how long was Buck Perkins your  
19 supervisor?  
20 A I'm not quite sure.  
21 Q At some point, Fannie Ash became your  
22 supervisor?  
23 A Yes, ma'am.

(Pages 30 to 33)

9

Page 30	Page 32
<p>1 Q And did she remain your supervisor 2 until you left line one? 3 A No, ma'am. 4 Q Okay. Who was after Fannie Ash? 5 A They kind of rotated supervisors. 6 Q Okay. So, there may have been people 7 at the same time as Fannie Ash; is that what 8 you're saying? 9 A No, ma'am. At different times there 10 were different supervisors. 11 Q Okay. Well, what other supervisors 12 did you have besides Fannie Ash when you were 13 working on line one? 14 A Bruce Cassidy. 15 Q Okay. Who else? 16 A Chris Jordan. 17 Q Who else? 18 A I can't remember anymore right now. 19 Q And while you were working on line 20 one, you had a conflict with Fannie Ash; is 21 that correct? 22 A I don't understand. 23 Q Well, did you have difficulty getting</p>	<p>1 was on line one. 2 Q Well, we just clarified that the 3 question I'm asking right now about Mary Ann 4 Boyer was during the last three years or so 5 of your employment; is that right? 6 A Yes. 7 Q And did you complain to Mary Ann 8 Boyer about Fannie Ash? 9 A I'm not sure. 10 Q Did you complain that Fannie Ash was 11 harassing you? 12 A I did. 13 Q I'm going to show you what I am going 14 to mark as Defendant's Exhibit 1. And I'll 15 ask you to take a look at that. I've got one 16 for you two, and I've got one for you two. 17 If everybody can look on, that would be 18 helpful. 19 (Defendant's Exhibit 20 No. 1 was marked for 21 identification). 22 Is Exhibit 1 a documentation form 23 that you filled out on March 31st 2001?</p>
Page 31	Page 33
<p>1 along with Fannie Ash? 2 A Sometimes. 3 Q Did you complain about Fannie Ash to 4 management higher up than Fannie? 5 A Yes, ma'am. 6 Q Did you complain to Melvin Hutchins 7 about Fannie Ash? 8 A Yes, ma'am. 9 Q And do you recall -- who was Melvin 10 Hutchins? 11 A Ma'am? 12 Q Who was Melvin Hutchins? 13 A The supervisor over Fannie Ash and 14 the other supervisors. 15 Q And Mary Ann Boyer was the director 16 of operations there at the Dothan plant; is 17 that right? 18 A At what time? 19 Q During the last, say, three years or 20 so of your employment there. 21 A Yes. 22 MS. ROBERTSON: Well, I object then 23 because you were telling her about when she</p>	<p>1 A Yes, ma'am. 2 Q And this is a documentation of a 3 complaint you were making regarding Fannie 4 Ash; is that right? 5 A Yes, ma'am. 6 Q And you indicate there -- well, let 7 me ask you this. In this middle section of 8 the document where it says, "What happened," 9 is that your handwriting there? 10 A Yes, ma'am. 11 Q And do you say there at the 12 beginning, "I feel like F. Ash is 13 deliberately nit-picking with me"? 14 Is that what you say there on the 15 form? 16 A Yes, ma'am. 17 Q And then there towards the end, the 18 last couple of sentences beginning on the 19 third to bottom line, "This harassment has 20 increased since I have spoken to Mary Ann 21 about other issues." 22 Do you see that? 23 A Yes, ma'am.</p>

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1 **Q** So, this would suggest that you had  
2 talked to Mary Ann Boyer about Fannie Ash  
3 prior to the date of this documentation form?

4 MS. ROBERTSON: Object.

5 A Not necessarily.

6 **Q** Excuse me. What other issues had you  
7 spoken to Mary Ann about?

8 A The sexual discrimination.

9 **Q** Was Fannie Ash sexually  
10 discriminating against you?

11 A No.

12 **Q** Why would Fannie Ash -- well, let me  
13 ask you this: What was the nature of your  
14 complaint about Fannie Ash?

15 A What is written right here.

16 **Q** That you felt like she was nit-  
17 picking you?

18 A Yes, ma'am.

19 **Q** And what does that have to do with  
20 your speaking to Mary Ann about sexual  
21 discrimination?

22 MS. ROBERTSON: Object,  
23 argumentative. Are you familiar with the

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1 issues," that the other issues you had been  
2 talking to Mary Ann about were sexual  
3 discrimination; is that right?

4 A It -- I'm not quite sure. I would  
5 have to look back at the records.

6 **Q** What records?

7 A With my complaints.

8 **Q** What records are you talking about?

9 A The complaints in the personnel file  
10 or what had happened. I'm not quite sure.  
11 Where I have put, "I have spoken to Mary Ann  
12 about other issues," there was always  
13 retaliation when I made a complaint.

14 **Q** Well, let me ask you a couple of  
15 questions. Do you have records of complaints  
16 that you made?

17 A I'm not quite sure I do. I have  
18 moved. If I have them, I don't know I have  
19 them. I'm not aware of it.

20 **Q** So, you at one time had records of  
21 your complaints and you don't know where they  
22 are now? Is that what you're telling me?

23 A I have documented things, and I don't

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1 term "retaliation"?

2 MS. SWAIN: Ann, I would appreciate  
3 it if you would let me ask the questions of  
4 the witness and not interfere, please?

5 MS. ROBERTSON: All right.

6 **Q** (By Ms. Swain) What does your talking  
7 to Mary Ann about sexual discrimination have  
8 to do with Fannie Ash nit-picking you?

9 A When I -- whenever I complained, I  
10 was always retaliated -- usually retaliated  
11 against in one fashion or another.

12 **Q** So, is it your allegation that --  
13 well, let me back up.

14 Who were you complaining was sexually  
15 discriminating against you?

16 A On which account?

17 **Q** In the occasion that you are  
18 referencing here on this Exhibit 1.

19 A I don't understand your question.

20 **Q** Well, you've indicated earlier that  
21 when you write here on the second to last  
22 sentence, "This harassment has increased  
23 since I have spoken to Mary Ann about other

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1 know where they are now.

2 **Q** Have you looked for them?

3 A I've looked where I thought they  
4 were, and they weren't there. I have several  
5 boxes since we've moved.

6 **Q** Have you gone through all of your  
7 boxes?

8 A Yes.

9 **Q** And you can't find them?

10 A No, ma'am.

11 **Q** You're aware that if you intend to  
12 use those documents you need to find them now  
13 and we need to have an opportunity to  
14 question you about those documents?

15 A Yes, ma'am.

16 **Q** Okay. So, going back to this form.  
17 I'm going to ask you the question again.

18 When you say on this form, "The harassment  
19 has increased since I have spoken to Mary Ann  
20 about other issues," what other issues are  
21 you talking about?

22 A I'm not sure. I don't recall.

23 **Q** Is it your allegation in this lawsuit

(Pages 38 to 41)

11

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1 that you complained to Mary Ann Boyer about  
2 some kind of sexual discrimination and that  
3 that resulted in Fannie Ash nit-picking with  
4 you?

5 A I'm not sure.

6 Q Why do you think Fannie Ash was nit-  
7 picking you?

8 A Whenever I made a complaint of  
9 discrimination, there was retaliation.

10 Q So, are you claiming that Fannie Ash  
11 was nit-picking you because you had  
12 complained about discrimination?

13 A No.

14 Q Did you ever complain that Fannie Ash  
15 had discriminated against you?

16 A No.

17 Q And Fannie Ash is a female, correct?

18 A Yes, but her supervisors were not.

19 (Defendant's Exhibit  
20 No. 2 was marked for  
21 identification).

22 Q I'm going to show you what I am going  
23 to mark as Defendant's Exhibit 2 and I'll ask

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1 A (Witness complies).

2 Q Have you had an opportunity to read  
3 Exhibit 2?

4 A Yes, ma'am.

5 Q And having read through Exhibit 2,  
6 tell me what the complaints and concerns  
7 about Fannie Ash that you had that you were  
8 trying to express in this document.

9 A I'm not -- I still don't understand  
10 the question.

11 Q Well, did you take Exhibit 2 after  
12 you wrote it and give it to somebody at  
13 Flavor House?

14 A I turned it into the front office.

15 Q To whom in the front office?

16 A I'm not quite sure.

17 Q Do you know whether this document was  
18 given to Mary Ann Boyer?

19 A I'm not quite sure.

20 Q So, you don't know who you gave it  
21 to?

22 A Somebody had to let me in the front  
23 office.

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1 you to take a look at that document.

2 Did you write Exhibit 2?

3 A Yes, ma'am.

4 Q And, again, in Exhibit 2, you were  
5 complaining or writing a statement, I guess,  
6 suggesting that Fannie Ash was harassing you;  
7 is that correct?

8 A Yes, ma'am.

9 Q And in Exhibit 2, in the first page  
10 of Exhibit 2, you indicate that you had  
11 spoken to Mary Ann about some concerns and  
12 complaints you had about Fannie?

13 A Yes, ma'am.

14 Q And Mary Ann told you she would look  
15 into the matter; is that right?

16 A Yes, ma'am.

17 Q What were the concerns and complaints  
18 you had about Fannie that you were talking  
19 about in Exhibit 2?

20 MS. ROBERTSON: Let her read the  
21 whole thing. Why don't you read the whole  
22 thing?

23 Q Go ahead. Take your time.

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1 Q But you don't know who that was?

2 A No, ma'am, I don't recall.

3 Q What was your purpose in giving this  
4 document to somebody in the front office at  
5 Flavor House?

6 A For documentation of after a  
7 complaint there was retaliation.

8 Q So, you were trying to complain to  
9 somebody about Fannie, correct?

10 A I was documenting what was occurring  
11 after I made this complaint.

12 Q Because you wanted someone to know  
13 about it at Flavor House, correct?

14 A Yes, ma'am.

15 Q Okay. What was it that you wanted  
16 them to know?

17 A That after speaking to Mary Ann,  
18 these are the things that were occurring.

19 Q So, you felt like after you talked to  
20 Mary Ann that you felt like Fannie was nit-  
21 picking you, correct?

22 MS. ROBERTSON: Object. The document  
23 speaks for itself.



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1 **Q** You can answer the question.  
 2 **A** I felt like I was being retaliated  
 3 after. That's why I documented, "This  
 4 harassment has increased since I have spoken  
 5 to Mary Ann about other issues."  
 6 **Q** Okay. And I'm going to go back to  
 7 that. What other issues were you talking to  
 8 Mary Ann about that you think prompted  
 9 retaliation by Fannie?  
 10 **A** I'm not quite sure.  
 11 **Q** And when you say you felt like Fannie  
 12 was retaliating against you --  
 13 **A** I --  
 14 **Q** Let me finish my question if you  
 15 would, please. There on the last page of  
 16 this document of Exhibit 2. There on the  
 17 last page you indicate in the first sentence,  
 18 "The statement that Fannie made about brakes,  
 19 cleaning, helping others and disappearing off  
 20 the line are so far from the facts,"  
 21 correct? You wrote that?  
 22 **A** Yes, ma'am.  
 23 **Q** You felt like Fannie's concerns that

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1 she expressed to you about your behavior in  
 2 the workplace were unfair; is that accurate?  
 3 **A** Untrue, yes, ma'am.  
 4 **Q** You felt that they were untrue?  
 5 **A** Yes, ma'am.  
 6 **Q** And backing up just a little bit.  
 7 Fannie had sat down with you and gone over  
 8 these issues, brakes, cleaning, helping  
 9 others and disappearing off the line; is that  
 10 right?  
 11 **A** Can you repeat that?  
 12 **Q** Yes. Fannie had sat down with you  
 13 and had a meeting with you where she talked  
 14 to you about those issues?  
 15 **MS. ROBERTSON:** Object. When are you  
 16 talking about?  
 17 **MS. SWAIN:** Prior to her writing this  
 18 document.  
 19 **A** Fannie had called the whole line in  
 20 one by one.  
 21 **Q** Right. Including you?  
 22 **A** I believe so.  
 23 **Q** Yeah. And during --

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1 **A** Individually she did.  
 2 **Q** And during her meeting with you, she  
 3 had raised issues with you about your brakes,  
 4 cleaning, helping others and disappearing off  
 5 the line?  
 6 **A** Yes.  
 7 **Q** And you felt like her concerns that  
 8 she expressed to you were not fair?  
 9 **A** Yes.  
 10 **Q** Okay. You also in the last paragraph  
 11 there -- if you could stay with me on the  
 12 last page there of Exhibit 2. In the last  
 13 paragraph on that page you complained about  
 14 having issues about the break schedule. Do  
 15 you see that?  
 16 **MS. ROBERTSON:** Object.  
 17 **MS. SWAIN:** What is the objection?  
 18 **MS. ROBERTSON:** Excuse me. I'm  
 19 sorry.  
 20 **A** Yes, ma'am.  
 21 **Q** And you expressed concern that you  
 22 had to go to Sammy to get a vacation day?  
 23 **A** Yes, ma'am.

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1 **Q** And you complained that there is a  
 2 difference in how certain ones are treated;  
 3 is that correct?  
 4 **A** Yes, ma'am.  
 5 **Q** Who did you feel like was  
 6 receiving -- well, strike that.  
 7 Did you feel like Fannie Ash treated  
 8 some people better than she treated you?  
 9 **A** I feel like Fannie Ash was going by  
 10 her supervisor's instructions.  
 11 **Q** Did you ever hear her supervisor give  
 12 her instructions to nit-pick you?  
 13 **A** No, ma'am.  
 14 **Q** So, is that speculation on your part,  
 15 you're assuming that someone told her to do  
 16 that?  
 17 **A** Yes, ma'am.  
 18 **Q** Did you feel that there was a  
 19 difference in how Fannie treated certain  
 20 other employees?  
 21 **A** I feel there was a difference on how  
 22 Fannie was instructed to treat other  
 23 employees.

(Pages 46 to 49)

13

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1 Q Well, we were just -- you don't  
2 actually know what she was instructed to do,  
3 correct?  
4 A No.  
5 Q Did you, in your observations of  
6 Fannie, see her treat other people  
7 differently than she treated you?  
8 A I can only speak for myself. I  
9 don't --  
10 Q You don't know how she treated  
11 others?  
12 A I heard other complaints, other  
13 issues.  
14 Q But you don't know how she treated  
15 other employees?  
16 A No.  
17 Q I'm going to show you one additional  
18 document relating to that time frame.  
19 (Defendant's Exhibit  
20 No. 3 was marked for  
21 identification).  
22 Let me show you what I have marked as  
23 Defendant's Exhibit 3 and ask you if you have

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1 seen that document before. Have you seen  
2 this document before, Exhibit 3?  
3 A Not that I can remember.  
4 Q Did you have a meeting with Mary Ann  
5 Boyer at some point about your complaints  
6 about Fannie?  
7 A I don't recall.  
8 Q Do you know whether you met with  
9 anyone in management at Flavor House  
10 concerning your complaints about Fannie Ash?  
11 A I believe it was someone in personnel  
12 -- up in the front office.  
13 Q But you don't recall who it was?  
14 A No.  
15 Q And is it correct that one of the  
16 issues that you complained about with Fannie  
17 was Fannie asking you to clean some brushes  
18 that had been left from the day before?  
19 A Yes.  
20 Q Now, you also had a conflict with Kim  
21 Perkins while you were working on line one,  
22 correct?  
23 A I believe so.

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1 Q And what was the nature of your  
2 conflict with Kim Perkins?  
3 A I can't remember.  
4 Q Did you ever complain about Kim  
5 Perkins to anyone in management?  
6 A I'm not sure.  
7 Q Did Kim Perkins have a tendency to  
8 yell at other employees?  
9 A Sometimes.  
10 Q Did she have occasions where she  
11 would cuss at other employees?  
12 A At the mechanics when they cussed at  
13 her.  
14 Q Did she ever cuss at you, Kim?  
15 A Yes.  
16 Q Did she ever cuss at other female  
17 employees?  
18 A I'm not sure.  
19 Q And you cussed at work too, didn't  
20 you?  
21 A Yes.  
22 Q Did you ever cuss at Kim?  
23 A I'm not sure.

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1 Q Did you ever cuss at Frank Williams?  
2 A Not that I remember.  
3 Q You could have, you just don't  
4 remember it?  
5 A I don't remember it.  
6 Q Is Kim Perkins, and your conflict  
7 with Kim Perkins, a big part of the reason  
8 why you moved to line three?  
9 A No.  
10 Q Now, you did move to line three,  
11 correct?  
12 A I bided on that position.  
13 Q And that was in September of 2005;  
14 does that sound about right?  
15 A I'm not sure of the -- I'm not good  
16 with dates.  
17 Q Okay. Some time late 2005 sound  
18 right to you or are you just not sure?  
19 A I'm not sure.  
20 Q And you -- let's talk about that.  
21 Flavor House had a job bid procedure; is that  
22 right?  
23 MS. ROBERTSON: Object.

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1 A Towards the end of my employment.  
 2 **Q Towards the end of your employment**  
 3 **they had a job bid procedure?**  
 4 A As I recall, it wasn't there the  
 5 entire time that I was there.  
 6 **Q The entire time you were there, they**  
 7 **posted jobs, correct?**  
 8 A No, ma'am.  
 9 **Q Did they have a job posting policy**  
 10 **the whole time you were there?**  
 11 A No, ma'am.  
 12 **Q All right. Well, going back to when**  
 13 **you moved to line three, that job was posted?**  
 14 A Yes, ma'am.  
 15 **Q And you bid on it?**  
 16 A Yes, ma'am.  
 17 **Q And you received it?**  
 18 A Yes, ma'am.  
 19 **Q And you don't recall when that was?**  
 20 A No, ma'am.  
 21 **Q After you successfully bid on the**  
 22 **position, you moved to line three as a --**  
 23 **still as a label operator, correct?**

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1 A Yes, ma'am.  
 2 **Q And when you were working on line**  
 3 **one, the label machine that you were working**  
 4 **on put labels on jars; is that right?**  
 5 A Or plastic containers.  
 6 **Q Or plastic containers?**  
 7 A Yes, ma'am.  
 8 **Q When you moved to line three, you**  
 9 **were putting labels on cans; is that correct?**  
 10 A Yes, ma'am.  
 11 **Q And that was something a little bit**  
 12 **different for you?**  
 13 A Yes, ma'am.  
 14 **Q Is it true that Kim Perkins tells**  
 15 **lies?**  
 16 MS. ROBERTSON: Object.  
 17 A I don't understand what you're  
 18 asking.  
 19 **Q Well, did you ever tell Flavor House**  
 20 **management that Kim Perkins lies?**  
 21 A I don't remember.  
 22 **Q I'm going to show you what I have**  
 23 **marked as Defendant's Exhibit 4.**

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1 **(Defendant's Exhibit**  
 2 **No. 4 was marked for**  
 3 **identification).**  
 4 **And I'll ask you if that's a**  
 5 **documentation form that you filled out**  
 6 **relating to an incident involving Kim**  
 7 **Perkins? Is this a documentation form you**  
 8 **filled out related to an incident involving**  
 9 **Kim Perkins?**  
 10 A Yes.  
 11 **Q And this actually happened after you**  
 12 **had moved to line one, correct, this**  
 13 **particular incident?**  
 14 A I can't remember.  
 15 **Q Well, look on the back of this sheet,**  
 16 **if you would.**  
 17 A (Witness complies.)  
 18 **Q I'm sorry. You know what, I**  
 19 **misspoke. This incident occurred after you**  
 20 **had moved from line one to line three; is**  
 21 **that correct?**  
 22 A It appears to be that way.  
 23 **Q Okay. And did you indicate here that**

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1 **Kim came up to you and raised her voice?**  
 2 A That's what I've written.  
 3 **Q And you wrote that you chose not to**  
 4 **conversate with Kim Perkins because of her**  
 5 **attitude towards other co-workers and you?**  
 6 A Yes.  
 7 **Q And you indicate that you heard her**  
 8 **holler to Linda Parker about a mechanic who**  
 9 **in Kim's words or that Kim stated about the**  
 10 **mechanic, I guess, "Don't worry, he can't**  
 11 **help you. He's not worth a fuck"; is that**  
 12 **correct?**  
 13 A Uh-huh.  
 14 **Q Is that something you heard Kim say?**  
 15 MS. ROBERTSON: You need to say yes  
 16 or no.  
 17 A Yes.  
 18 **Q Flipping over to the back side you**  
 19 **indicate here that Kim came in the lab and**  
 20 **said out loud, "Those mother fucking people**  
 21 **are getting on my nerves."**  
 22 A Can you repeat the question?  
 23 **Q Yes. Did you indicate here that Kim**

1 came in the lab and stated out loud that,  
2 "Those mother fucking people are getting on  
3 my nerves"?

4 A I believe this is what the QC had  
5 repeated.

6 Q So, she told you that and you put  
7 that down on the form?

8 MS. ROBERTSON: Object to the form.  
9 Is everybody's form cut off on the left  
10 side?

11 MS. SWAIN: Yeah, but I don't think  
12 it's problematic. You can still tell what it  
13 says.

14 A Ma'am?

15 Q I'm trying to figure out did you hear  
16 Kim say, "Those mother fucking people are  
17 getting on my nerves," or did someone else  
18 tell you that she said that?

19 A It appears to me on here that a QC  
20 repeated that.

21 Q To you?

22 A It appears that way.

23 Q And did you write on your form, "This

1 is the attitude that Kim carries, not every  
2 once and a while, but every day"?

3 A Yes.

4 Q So, is what you're describing here a  
5 pretty common way for Kim to act at work when  
6 you were working at Flavor House?

7 A Yes.

8 Q And do you also indicate that Kim was  
9 always starting something and then running to  
10 tell a lie?

11 A Yes, I indicated that.

12 Q Is that true?

13 A On this occasion.

14 Q Well, you said on here, "She is  
15 always starting something and then running to  
16 tell a lie." Was this a one-time thing or  
17 was this something she was always doing?

18 A I'm not sure.

19 Q Well, did you find it to be important  
20 to be truthful when you wrote out a  
21 documentation form that you were giving to  
22 management?

23 MS. ROBERTSON: Objection,

1 argumentative.

2 A I wrote it down.

3 Q But you don't know whether it was  
4 true?

5 A I believe that's the way I felt at  
6 the time.

7 Q And did you indicate on here that,  
8 "Kim was always trying to get someone in  
9 trouble, other than herself"?

10 A Yes, I indicated that.

11 Q Was that true?

12 A I believed it at the time.

13 Q And did you indicate that, "She is  
14 the main reason I left line one"?

15 A I wrote that.

16 Q Is that true?

17 A And other reasons.

18 Q Well, was she the main reason?

19 A I felt that at the time.

20 THE VIDEOGRAPHER: The time is  
21 11:14. This concludes tape number one and we  
22 are off the record.

23 (BREAK TAKEN).

1 THE VIDEOGRAPHER: The time is  
2 11:33. This is the beginning of tape number  
3 two. We are back on the record.

4 Q (By Ms. Swain) Ms. Thornton, when you  
5 moved to line three, Frank Williams was not  
6 on line three already; is that correct?

7 A Correct.

8 Q How long after you moved to line  
9 three did he come to line three?

10 A I'm not sure of how long it was. He  
11 had signed up for the position.

12 Q And when you say "he signed up for  
13 the position" what do you mean by that?

14 A Yes, ma'am. They needed a team  
15 leader on line three. And he was a roaster  
16 operator at the time.

17 Q So, he had applied for the team  
18 leader position?

19 A Yes, ma'am.

20 Q And line three was the only line that  
21 they had a team leader on; is that right?

22 A Yes, ma'am.

23 Q And that was a new position that they



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1 were going to try out?  
 2 A I believe so.  
 3 Q And a team leader is still an hourly  
 4 employee, right?  
 5 A Yes, ma'am. You mean they clock in  
 6 and clock out?  
 7 Q That's right.  
 8 A Yes, ma'am.  
 9 Q They're not a salaried member of  
 10 management?  
 11 A Right.  
 12 Q Now, after you moved to line three --  
 13 well, after Frank moved to line three, I  
 14 guess, you were already there. You and Frank  
 15 had a conflict with each other; is that  
 16 correct?  
 17 A Yes, ma'am.  
 18 Q Now, you had -- prior to moving to  
 19 line three, you had done some training  
 20 briefly with Frank in 2003; is that right?  
 21 A I believe it was 2003.  
 22 Q And Frank had trained you in 2003 to  
 23 work on the label machine; is that correct?

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1 A Yes, ma'am, to run the label machine.  
 2 Q Okay. Now, you did not submit any  
 3 kind of written documentation forms like this  
 4 in that time frame about Frank; is that  
 5 correct?  
 6 A If we weren't doing them at that  
 7 time, I didn't.  
 8 Q Did you submit any kind of written  
 9 complaint about Frank in 2003?  
 10 A I'm not sure. We -- this right here  
 11 hasn't always been --  
 12 MS. ROBERTSON: You have to tell what  
 13 "this right here" is.  
 14 A The documentation form.  
 15 Q Right. And I'm saying regardless of  
 16 whether you used this particular form or not,  
 17 did you submit any kind of written complaint  
 18 about Frank Williams in 2003?  
 19 A I don't recall when the time period  
 20 changed. There was a long time period and  
 21 the first part of my employment where  
 22 everything was -- the complaints were just  
 23 verbal.

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1 Q My question is, did you submit any  
 2 written complaint about Frank Williams in  
 3 2003?  
 4 MS. ROBERTSON: And she's answered  
 5 your question.  
 6 MS. SWAIN: No, she has not.  
 7 A I'm not sure. I know that I verbally  
 8 complained to Fannie and Melvin.  
 9 Q But you don't know whether you  
 10 submitted any written complaint?  
 11 A Yes, ma'am.  
 12 Q Yes, you don't know?  
 13 A I don't know.  
 14 Q Okay. Now, you say that you verbally  
 15 complained to Fannie and to Melvin in 2003  
 16 about Frank?  
 17 A I'm not sure of the 2003. I'm not  
 18 sure. I'm not good with dates.  
 19 Q Okay. Well, at some point, did you  
 20 verbally complain to Fannie Ash about Frank?  
 21 A Yes, ma'am.  
 22 Q And if Frank were to indicate that  
 23 you and Frank's relationship was acceptable

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1 and at least reasonably friendly in that time  
 2 frame, you would disagree with that?  
 3 MS. ROBERTSON: Object,  
 4 argumentative.  
 5 A I wouldn't say it was friendly.  
 6 Q Would you say you had a pleasant  
 7 relationship with Frank Williams in that time  
 8 frame?  
 9 A No, ma'am, I wouldn't say it was  
 10 pleasant either.  
 11 Q Would you say you had a cordial  
 12 relationship with Frank Williams in that time  
 13 frame?  
 14 A Yes, ma'am.  
 15 MR. CRUM: Did you say cordial?  
 16 MS. SWAIN: I did.  
 17 MS. ROBERTSON: Do you know what  
 18 cordial means?  
 19 THE WITNESS: That you get along with  
 20 them.  
 21 Q Yeah.  
 22 A I was only there during that time for  
 23 a short time.

(Pages 62 to 65)

17

Page 62	Page 64
<p>1 <b>Q</b> About how long was that, do you</p> <p>2 <b>recall? I mean, was it weeks or months?</b></p> <p>3 <b>A</b> It was weeks. It was when -- it was</p> <p>4 up to Melvin and Fannie of how long I would</p> <p>5 be -- how long -- how far along they felt I</p> <p>6 was on the learning process of that machine.</p> <p>7 <b>Q</b> And so you think that took several</p> <p>8 <b>weeks?</b></p> <p>9 <b>A</b> Three or four maybe.</p> <p>10 <b>Q</b> And what was the nature of the</p> <p>11 <b>complaint you made to Fannie Ash about Frank</b></p> <p>12 <b>in that time frame -- well, let me strike</b></p> <p>13 <b>that.</b></p> <p>14 <b>Was the complaint to Fannie Ash in</b></p> <p>15 <b>that time frame, the verbal complaint?</b></p> <p>16 <b>A</b> During the time that he was training</p> <p>17 me on the label machine?</p> <p>18 <b>Q</b> <b>Correct.</b></p> <p>19 <b>A</b> Fannie and Melvin.</p> <p>20 <b>Q</b> <b>Okay. So that was in that same time</b></p> <p>21 <b>frame?</b></p> <p>22 <b>A</b> Yes, ma'am.</p> <p>23 <b>Q</b> <b>Okay. What was the nature of your</b></p>	<p>1 work with me on the machine.</p> <p>2 <b>Q</b> <b>Okay. My question is, were there any</b></p> <p>3 <b>other complaints that you made to Fannie Ash</b></p> <p>4 <b>in that time period about Frank?</b></p> <p>5 <b>A</b> That I couldn't train under him.</p> <p>6 That's when she swapped out James.</p> <p>7 <b>Q</b> <b>Okay. Any other complaints you made</b></p> <p>8 <b>to Fannie Ash about Frank?</b></p> <p>9 <b>A</b> The way he talked, the language he</p> <p>10 used.</p> <p>11 <b>Q</b> <b>Anything else?</b></p> <p>12 <b>A</b> The way he treated me. His anger.</p> <p>13 <b>Q</b> <b>And all of this was in a period of</b></p> <p>14 <b>three weeks?</b></p> <p>15 <b>A</b> Yes, ma'am. It was everyday with</p> <p>16 Frank Williams.</p> <p>17 <b>Q</b> <b>I thought you just told me you all</b></p> <p>18 <b>had a cordial relationship in this time</b></p> <p>19 <b>frame?</b></p> <p>20 <b>A</b> If I kept my mouth shut we did.</p> <p>21 <b>Q</b> <b>Well, did you keep your mouth shut?</b></p> <p>22 <b>A</b> I complained a lot.</p> <p>23 <b>Q</b> <b>So, is that a "no"?</b></p>
Page 63	Page 65
<p>1 <b>verbal complaint to Fannie during your</b></p> <p>2 <b>training on the label machine?</b></p> <p>3 <b>A</b> That he had -- I had turned the</p> <p>4 conveyor belt off. And he had told me that I</p> <p>5 was -- he called me a stupid, fucking bitch.</p> <p>6 <b>Q</b> <b>All right. So you had turned the</b></p> <p>7 <b>conveyor belt off and he called you a stupid,</b></p> <p>8 <b>fucking bitch?</b></p> <p>9 <b>A</b> Yes.</p> <p>10 <b>Q</b> <b>Anything else that you complained to</b></p> <p>11 <b>Fannie about with respect to Frank in that</b></p> <p>12 <b>time frame?</b></p> <p>13 <b>A</b> I'm not sure. There were complaints</p> <p>14 of when he was throwing cans.</p> <p>15 <b>Q</b> <b>You're talking about later on,</b></p> <p>16 <b>correct?</b></p> <p>17 <b>A</b> No, ma'am. During that period when I</p> <p>18 was learning the label machine also he was</p> <p>19 throwing them.</p> <p>20 <b>Q</b> <b>Anything else you complained about to</b></p> <p>21 <b>Fannie Ash about Frank in that time frame?</b></p> <p>22 <b>A</b> I'm not sure. But they had</p> <p>23 exchanged Frank for James to come over and</p>	<p>1 <b>A</b> I complained a lot to management, but</p> <p>2 if I didn't -- I stood there and took his</p> <p>3 cussing several occasions.</p> <p>4 <b>Q</b> <b>Well, how many times in a period</b></p> <p>5 <b>of -- you said several weeks -- did you</b></p> <p>6 <b>complain about Frank?</b></p> <p>7 <b>A</b> How many times? I can't tell you a</p> <p>8 number of times.</p> <p>9 <b>Q</b> <b>You can't tell me a number of times?</b></p> <p>10 <b>A</b> No, ma'am.</p> <p>11 <b>Q</b> <b>Was it everyday?</b></p> <p>12 <b>A</b> If he cussed me out that day, I did.</p> <p>13 <b>Q</b> <b>Well, during that period of several</b></p> <p>14 <b>weeks, how many times are you claiming he</b></p> <p>15 <b>cussed you out?</b></p> <p>16 <b>A</b> Of several weeks?</p> <p>17 <b>Q</b> <b>Correct.</b></p> <p>18 <b>A</b> Frank could cuss you out several</p> <p>19 times in one day.</p> <p>20 I'm asking you in that period of</p> <p>21 several weeks, how many times are you</p> <p>22 claiming that Frank cussed you out?</p> <p>23 <b>A</b> It was enough that they pulled him</p>

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1 off the machine and replaced him.  
 2 **Q I'm not asking you whether it was**  
 3 **enough for them to pull him off. I'm asking**  
 4 **how many times are you claiming that he**  
 5 **cussed you out in that period of several**  
 6 **weeks?**  
 7 A If not everyday, every other day at  
 8 least.  
 9 **Q Okay. And where were you physically**  
 10 **working in this time frame?**  
 11 A Physically? Is this when he was  
 12 training me on three?  
 13 **Q You tell me. Yes, in the period when**  
 14 **he was training you.**  
 15 A In 2000 -- you said three or four?  
 16 **Q Whenever it was that he did the**  
 17 **training on you.**  
 18 A Where was I?  
 19 **Q Correct.**  
 20 A On the label machine.  
 21 **Q On what line?**  
 22 A Three.  
 23 **Q Who else was working on line three at**

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1 **that time?**  
 2 A I'm not sure.  
 3 **Q Do you know anybody else who was**  
 4 **working on line three in that time frame?**  
 5 A Not while I was being trained. I'm  
 6 not sure. There was a girl named Stephanie  
 7 that was Frank's friend. But at one point  
 8 she was on night shift as a QC, and I'm not  
 9 sure if it was during that time or not.  
 10 **Q All right. But whoever was working**  
 11 **on line three in this time presumably would**  
 12 **have heard Frank cussing you out everyday or**  
 13 **every other day?**  
 14 A Or people around the line or the  
 15 lines.  
 16 **Q And who else would have been around?**  
 17 A That's -- that's five years ago when  
 18 you're asking that time period of when I  
 19 trained on line three.  
 20 **Q Do you know of anybody who witnessed**  
 21 **Frank cussing you out at least every other**  
 22 **day when you were being trained on line**  
 23 **three?**

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1 A When I was being trained?  
 2 **Q Uh-huh, yes.**  
 3 A I'm not sure. I know that they  
 4 witnessed arguments.  
 5 **Q Arguments between you and Frank?**  
 6 A Yes.  
 7 **Q When you say "they" witnessed**  
 8 **arguments, who witnessed arguments?**  
 9 A I'm sure other people on the other  
 10 lines. I can't remember the people that were  
 11 there at that time.  
 12 **Q And in the arguments they witnessed,**  
 13 **would they have witnessed you cussing at**  
 14 **Frank as well?**  
 15 A No.  
 16 **Q So, according to your testimony, he**  
 17 **was cussing at you, but you weren't cussing**  
 18 **at him?**  
 19 A Frank would call me a goddamn mother  
 20 fucking bitch, throw his hands up and walk  
 21 away.  
 22 **Q I'm asking you what your language**  
 23 **was.**

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1 A At him?  
 2 **Q I'm talking about in the time period**  
 3 **of your training, the three weeks with Frank,**  
 4 **yes, what was your language like towards him?**  
 5 A I never cussed Frank.  
 6 **Q Never once?**  
 7 A Never once.  
 8 **Q During this three-week time period or**  
 9 **several week time period, he was cussing you**  
 10 **out you say --**  
 11 A Yes, ma'am.  
 12 **Q -- at least every other day, you**  
 13 **never said a cuss word at him?**  
 14 A If I used the cuss words when he  
 15 called me a goddamn mother fucking bitch or a  
 16 stupid bitch, I would repeat that and tell  
 17 him don't call me that, don't call me a  
 18 stupid bitch, don't call me a fucking, stupid  
 19 bitch.  
 20 **Q You had talked in a similar way to**  
 21 **other employees before, correct?**  
 22 A I don't understand what -- I don't  
 23 know.

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1 **Q Well, you had cussed other employees**  
2 **before?**

3 MS. ROBERTSON: Object, that's not  
4 similar.

5 A I don't understand. I have not  
6 called them a stupid bitch or told them how I  
7 fucked all night. I did not do that.

8 **Q Did you cuss at other employees at**  
9 **work?**

10 A Not that I can remember.

11 **Q Were you ever disciplined for cussing**  
12 **at other employees at work?**

13 A Yes, when a mechanic threw a jar of  
14 peanuts and hit me in the chest with it. And  
15 I cussed him out. And I have fibrosis. And  
16 when he hit me with that jar of peanuts to  
17 get my attention, I cussed him out.

18 **Q And remind me who that was.**

19 A Johnny Metcalf.

20 **Q Okay. And he was given a three-day**  
21 **suspension; is that right?**

22 A That's what I was told.

23 **Q And it's your testimony that that's**

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1 **the only time you ever cussed another**  
2 **employee at work was at Johnny Metcalf when**  
3 **he threw a thing of peanuts?**

4 A I don't recall. There were so many  
5 incidents.

6 **Q So many incidents of you cussing**  
7 **other employees?**

8 A So many incidents of sexual  
9 discrimination, sexual harassment, so many  
10 incidents of being cussed at, so many  
11 incidents of things being thrown.

12 **Q Well, let me ask you this. Did you**  
13 **consider it sexual harassment whenever a male**  
14 **employee cussed at you?**

15 A Yes.

16 **Q Did you consider it sexual harassment**  
17 **when a female employee cussed at you?**

18 A No. I consider it -- when a man  
19 brags about their past and when a man is  
20 cussing me and talking about his sex life --

21 **Q Okay. Let me stop you right now,**  
22 **because that's not responsive to anything**  
23 **I've asked you. I didn't ask you --**

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1 MS. ROBERTSON: Well, she was trying  
2 to answer the question and you're not going  
3 to interrupt her. Now, she was answering  
4 your question.

5 MS. SWAIN: She was not answering my  
6 question.

7 MS. ROBERTSON: She was.

8 MS. SWAIN: Ann, it's my deposition.

9 MS. ROBERTSON: Well, she was --

10 MS. SWAIN: Let me ask her again.

11 MS. ROBERTSON: Okay. Ask her again.

12 MS. SWAIN: Thank you.

13 **Q I'm not asking you about when men**  
14 **bragged about their sexual past. I'm asking**  
15 **you about when a man cusses at you, that was**  
16 **my question. You claim that you think that**  
17 **that is sexual harassment.**

18 MS. ROBERTSON: Well, I object unless  
19 you characterize the cussing. If she calls  
20 him a bitch it is. If she calls him hell  
21 it's not. Cussing? Make your distinction.

22 MS. SWAIN: Answer the question I'm  
23 asking please. I'm going to ask counsel to

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1 stop -- you don't have to like my questions.  
2 But I'm entitled to ask a question. You  
3 state your objection if you don't like the  
4 question. And that's your right. You may  
5 state your objection.

6 MS. ROBERTSON: Well, I object  
7 because --

8 MS. SWAIN: But you are not allowed  
9 to tell me how to ask the questions.

10 MS. ROBERTSON: -- they're over broad  
11 and incomprehensible.

12 **Q (By Ms. Swain) The question is, the**  
13 **question I asked earlier was, you believed it**  
14 **was sexual harassment if a male employee**  
15 **cusses at you, correct?**

16 A Correct.

17 **Q But you do not believe it was sexual**  
18 **harassment when a female employee cussed at**  
19 **you?**

20 A If a female cussed at me, it would  
21 be -- not name calling, not you're stupid,  
22 you're a fucking bitch. Not -- that's not --  
23 a female -- when you say, I don't -- the



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1 females that cuss out there, along with  
 2 myself, are frustrated, are scared to step  
 3 up. It's a daily basis that you have the men  
 4 cussing and calling you names.  
 5 The females turn on each other.  
 6 That's an occasion with Kim. We  
 7 continuously -- the mechanics calling you a  
 8 fucking, stupid bitch or watch her, watch  
 9 what I'm going to do.  
 10 **Q So, let me get this straight. The**  
 11 **reason why Kim was cussing at other women was**  
 12 **because of the way the men were acting?**  
 13 A And -- if another woman was running  
 14 the capper machine and the person on the  
 15 capper had to keep turning it off and --  
 16 because the mechanic wouldn't fix the  
 17 machine. And the mechanic would say, just  
 18 run the fucker, just keep running the  
 19 fucker. There's nothing wrong with it.  
 20 Then both parties were aggravated and  
 21 would go at each other. You can't -- if you  
 22 reported it, nothing was done.  
 23 **Q Okay. So just to make sure I'm**

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1 **"mother fucker" at work?**  
 2 A There is a difference between using  
 3 those words and demeaning somebody with those  
 4 words.  
 5 **Q That's your opinion, correct?**  
 6 A I assume that it is the company's  
 7 opinion also when they brought up a policy of  
 8 put somebody on notice if they talk to you  
 9 that way. Just put them on notice. Tell  
 10 them you don't appreciate that. Well, that  
 11 didn't work either.  
 12 **Q My question is, is it your opinion**  
 13 **that it was okay for you to use those words?**  
 14 A I'm not saying it's okay, but I'm  
 15 saying that it's done. That in casual  
 16 conversation people cuss. It's a factory.  
 17 But in bringing somebody down and throwing  
 18 things and cussing people, that's not right.  
 19 **Q You indicated during the several**  
 20 **weeks that you worked or that Frank trained**  
 21 **you on line three that he threw cans; is that**  
 22 **right?**  
 23 A Yes, ma'am.

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1 clear. It's your testimony that the reason  
 2 why people like you and Kim used foul  
 3 language at work was because men used foul  
 4 language towards you?  
 5 A I don't understand when you say foul  
 6 language.  
 7 **Q Well, did you use the word "fuck"**  
 8 **when you were at work?**  
 9 A I believe so.  
 10 **Q Did you use the term "mother**  
 11 **fucker"?**  
 12 A I don't -- I'm not sure.  
 13 **Q Did you ever use the term mother --**  
 14 A I did use it when I said it back to  
 15 Frank about calling me a stupid, mother  
 16 fucker or a fucking bitch or I'm tired of  
 17 this shit. I got to a point where I was just  
 18 tired of it. I went through the chain of  
 19 command. I followed the policies and  
 20 procedures. I did that. And when I did  
 21 that, it just got worse for me.  
 22 **Q Was it in your view acceptable for**  
 23 **you to use the words "fuck" or "shit" or**

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1 **Q Did he throw them at you?**  
 2 A The day that I turned the belt off he  
 3 did.  
 4 **Q He threw cans at you?**  
 5 A (Witness nods head.)  
 6 **Q Is that a "yes"?**  
 7 A Yes.  
 8 **Q Is this a bag of cans or individual**  
 9 **cans?**  
 10 A Where ever you stand, there are cans  
 11 running on the line full of peanuts. When I  
 12 turned the belt off, I turned the wrong belt  
 13 off. It was jammed, the machine. And he  
 14 pulled them out. Throwing them at me  
 15 hollering, "You stupid, fucking bitch."  
 16 **Q And you, of course, said nothing,**  
 17 **correct?**  
 18 A I turned around and left the line and  
 19 went and got Fannie.  
 20 **Q And you didn't say anything to Frank?**  
 21 A I am not going to go up to a man  
 22 that's enraged and cannot control his anger.  
 23 **Q So, is the answer no?**

(Pages 78 to 81)

21

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<p>1 A No, I did not go to him then.</p> <p>2 <b>Q So, you told Fannie that you couldn't</b></p> <p>3 <b>train under Frank; is that correct?</b></p> <p>4 A Yes, ma'am.</p> <p>5 <b>Q And is it correct that --</b></p> <p>6 MS. ROBERTSON: Wait just a minute</p> <p>7 let me see if we can get a napkin or</p> <p>8 something so she can wipe her face without</p> <p>9 using her blouse. Does anybody have a</p> <p>10 tissue?</p> <p>11 (DISCUSSION OFF THE RECORD).</p> <p>12 <b>Q (By Ms. Swain) When you told Fannie</b></p> <p>13 <b>that you couldn't work with or you couldn't</b></p> <p>14 <b>train under Frank, was that on the same day</b></p> <p>15 <b>he threw the cans?</b></p> <p>16 A When he was unjamming the machine,</p> <p>17 yes, ma'am.</p> <p>18 <b>Q And you said Fannie exchanged Frank</b></p> <p>19 <b>for James?</b></p> <p>20 A Not immediately.</p> <p>21 <b>Q How long after that did she exchange</b></p> <p>22 <b>Frank for James?</b></p> <p>23 A After other occasions of us getting</p>	<p>1 <b>throw cans at me?</b></p> <p>2 A At me once. He threw cans when the</p> <p>3 machine jammed.</p> <p>4 <b>Q But he only threw them at you one</b></p> <p>5 <b>time?</b></p> <p>6 A When he called me the stupid, fucking</p> <p>7 bitch.</p> <p>8 <b>Q Well, tell me about the other times</b></p> <p>9 <b>that he threw cans. That was constantly? He</b></p> <p>10 <b>was constantly throwing cans 10 times in 10</b></p> <p>11 <b>minutes?</b></p> <p>12 A At me?</p> <p>13 <b>Q No. I think you just said once at</b></p> <p>14 <b>you. But you said he threw cans every time</b></p> <p>15 <b>the machine jammed which you said it could be</b></p> <p>16 <b>10 times in 10 minutes. Was he just</b></p> <p>17 <b>constantly standing there throwing cans?</b></p> <p>18 A On the floor if it made him angry, if</p> <p>19 it jammed, yes.</p> <p>20 <b>Q Okay. All right. What other</b></p> <p>21 <b>conflicts did you have with Frank in this</b></p> <p>22 <b>time period until they exchanged Frank for</b></p> <p>23 <b>James?</b></p>
Page 79	Page 81
<p>1 into a confrontation.</p> <p>2 <b>Q And what other occasions did you all</b></p> <p>3 <b>get into a confrontation?</b></p> <p>4 A Whenever Frank cussed or threw cans.</p> <p>5 <b>Q So, he cussed and threw cans on a</b></p> <p>6 <b>number of occasions in this time frame?</b></p> <p>7 A Yes, ma'am. The machine they had on</p> <p>8 line three was the oldest machine.</p> <p>9 <b>Q How many times would he cuss and</b></p> <p>10 <b>throw cans during the several weeks that you</b></p> <p>11 <b>trained with him?</b></p> <p>12 A Whenever the machine jammed up.</p> <p>13 <b>Q Well, how frequently was that?</b></p> <p>14 A The machine can jam up 10 times in 10</p> <p>15 minutes.</p> <p>16 <b>Q Okay. So he was basically constantly</b></p> <p>17 <b>cussing and throwing cans at you?</b></p> <p>18 MS. ROBERTSON: Object. She said he</p> <p>19 only threw cans at her once.</p> <p>20 MS. SWAIN: No, she didn't.</p> <p>21 MS. ROBERTSON: I thought she said</p> <p>22 that once.</p> <p>23 <b>Q (By Ms. Swain) How many times did he</b></p>	<p>1 A I don't recall. After -- a short</p> <p>2 time with James, Fannie pulled James back off</p> <p>3 the machine and put Frank back on the machine</p> <p>4 because she said Frank ran it better. And we</p> <p>5 would just have to get along. So I just</p> <p>6 abided my time.</p> <p>7 <b>Q How long did you work with James on</b></p> <p>8 <b>that training?</b></p> <p>9 A I'm not sure how long it was. Maybe</p> <p>10 a week.</p> <p>11 <b>Q And what's James' last name?</b></p> <p>12 A Porter.</p> <p>13 <b>Q Did you have any problems with James</b></p> <p>14 <b>while you were working with him?</b></p> <p>15 A No.</p> <p>16 <b>Q So, then Frank was brought back. And</b></p> <p>17 <b>did he continue to throw cans all day while</b></p> <p>18 <b>you were working with him?</b></p> <p>19 A If he -- Frank did what Frank wanted</p> <p>20 to do. I was there. I tried to just learn</p> <p>21 the machine, get my raise and go back to line</p> <p>22 one.</p> <p>23 <b>Q Did you continue to have conflicts</b></p>

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1 with Frank during that training period after  
2 he came back and was exchanged again for  
3 James?

4 A I don't remember if there are anymore  
5 incidents during that training period.

6 Q And you said you complained to Fannie  
7 about it and you complained to who else,  
8 Melvin?

9 A Hutchins.

10 Q What conversation did you have with  
11 Melvin in that time period?

12 A That I reported that Frank called me  
13 a fucking, stupid bitch. And that he was  
14 always cussing, always screaming. And I was  
15 told that I would just have to get along.  
16 He's the only one that can run the machine,  
17 work it out.

18 Q Was that before or after you  
19 complained to Fannie?

20 A I'm not sure. It could have been  
21 together.

22 Q They may have been together when you  
23 complained?

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1 A Yes, ma'am.

2 Q Did you talk to anybody over Melvin's  
3 head about Frank in this time frame?

4 A I'm not sure that -- I'm not -- I'm  
5 not sure that the new management was in at  
6 that time.

7 Q So, is the answer you don't know?

8 A I'm not -- we did not have any  
9 procedures before then.

10 Q Well, you always had an employee  
11 handbook during your employment with Flavor  
12 House, did you not?

13 A They gave you one on the first day  
14 that was in your envelope.

15 Q And you received one on your first  
16 day; is that right?

17 A I believe so.

18 Q And your employee handbook that you  
19 received contained a policy prohibiting  
20 discrimination; is that right?

21 A I would have to look at it.

22 Q Let me show you what I have marked as  
23 Exhibit 5 and ask you if that is a copy of

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1 the Equal Employment Opportunity policy that  
2 was in the first handbook you received at  
3 Flavor House?

4 (Defendant's Exhibit  
5 No. 5 was marked for  
6 identification ).

7 MS. ROBERTSON: Well, I object.

8 A I'm not sure. There is not a date on  
9 here.

10 MS. SWAIN: All right. Well, let's  
11 take a quick break. I'm going to get the  
12 whole handbook and let you take a look at  
13 that.

14 THE VIDEOGRAPHER: The time is 11:59  
15 and we're off the record.

16 (BREAK TAKEN).

17 THE VIDEOGRAPHER: The time is  
18 12:03. We are back on the record.

19 Q (By Ms. Swain) Ms. Thornton, I'm  
20 going to hand you -- I'm not going to mark  
21 this as an exhibit. But just so that you can  
22 look at that in relation to the policy. I  
23 gave you a copy of the 1999 Flavor House

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1 handbook and ask you if that is a copy of  
2 what you received.

3 MS. ROBERTSON: Well, I object.

4 MS. CRUM: What did you say the date  
5 was?

6 MS. ROBERTSON: 1999.

7 MS. SWAIN: You object to her  
8 testifying?

9 MS. ROBERTSON: No, I object to you  
10 testifying.

11 MS. SWAIN: I'm not testifying. I  
12 asked her if this was a copy of the handbook  
13 that she received at Flavor House.

14 A I'm not sure if it is the same one I  
15 received.

16 Q Did you receive a handbook when you  
17 started working at Flavor House?

18 A Yes, ma'am.

19 Q I'm going to show you what I am going  
20 to mark as Defendant's Exhibit 6 and ask you  
21 if that is an employee acknowledgment form  
22 you signed indicating receipt of the Flavor  
23 House handbook.

(Pages 86 to 89)

23

Page 86	Page 88
<p>1                   <b>(Defendant's Exhibit</b></p> <p>2                   <b>No. 6 was marked for</b></p> <p>3                   <b>identification).</b></p> <p>4    A    That's my signature.</p> <p>5    <b>Q    To your knowledge, were you</b></p> <p>6    <b>acknowledging when you signed this form --</b></p> <p>7    <b>I'm going to ask you this.</b></p> <p>8           <b>If you look at the back page of the</b></p> <p>9    <b>handbook I showed you, the 1999 handbook,</b></p> <p>10 <b>does that appear to be the same document that</b></p> <p>11 <b>you signed that we have marked as Exhibit 6?</b></p> <p>12   A    Yes.</p> <p>13 <b>Q    And based on that, is it your belief</b></p> <p>14 <b>that you signed or that you received -- I'm</b></p> <p>15 <b>sorry -- the handbook that I have handed you</b></p> <p>16 <b>here, but not marked, marked bates number</b></p> <p>17 <b>FH000307 to 000367?</b></p> <p>18   A    I believe so. Is this -- this would</p> <p>19 be a larger version of the small book?</p> <p>20 <b>Q    Well, this is a copy. Obviously</b></p> <p>21 <b>not a --</b></p> <p>22       MS. ROBERTSON: Well, see I think she</p> <p>23 said she doesn't know if it is or not. Do</p>	<p>1    A    I thought it was smaller.</p> <p>2    <b>Q    Do you recall a policy, in whatever</b></p> <p>3    <b>handbook you received, that is substantially</b></p> <p>4    <b>the same as page 3 of this handbook?</b></p> <p>5       MS. ROBERTSON: I object. It's not a</p> <p>6 policy, unless it's followed.</p> <p>7    A    I know that they gave me a package, a</p> <p>8 folder when I started.</p> <p>9    <b>Q    Okay. Did the folder that you</b></p> <p>10 <b>received when you started have an Equal</b></p> <p>11 <b>Employment Opportunity policy in it?</b></p> <p>12   A    I'm not sure.</p> <p>13 <b>Q    Did you read the packet that you</b></p> <p>14 <b>received?</b></p> <p>15   A    I didn't read -- it was just a folder</p> <p>16 with a small handbook that I read.</p> <p>17 <b>Q    Did you read the handbook?</b></p> <p>18   A    Yes, ma'am.</p> <p>19 <b>Q    And did the handbook have an Equal</b></p> <p>20 <b>Employment Opportunity policy in it?</b></p> <p>21   A    I don't recall.</p> <p>22 <b>Q    You just don't recall one way or the</b></p> <p>23 <b>other?</b></p>
Page 87	Page 89
<p>1    you have the handbook itself because she is</p> <p>2 saying that's bigger than the one she got?</p> <p>3       MS. SWAIN: Ann, I'll ask you again,</p> <p>4 if you have an objection, state it. If you</p> <p>5 don't like my question or if you think you</p> <p>6 need to clarify something with the witness,</p> <p>7 at the end of --</p> <p>8       MS. ROBERTSON: Well, I'm objecting</p> <p>9 to you not using the original. That's my</p> <p>10 objection.</p> <p>11       MS. SWAIN: Fine. Object. And then</p> <p>12 let me ask and complete the deposition</p> <p>13 without your interference please.</p> <p>14       MS. ROBERTSON: I'm not interfering.</p> <p>15 I'm representing my client as I think you are</p> <p>16 yours.</p> <p>17 <b>Q    (By Ms. Swain) Do you know whether</b></p> <p>18 <b>Exhibit 10 -- I'm sorry. Exhibit 6 is</b></p> <p>19 <b>acknowledgement for the handbook that I've</b></p> <p>20 <b>handed you here?</b></p> <p>21   A    I don't know if it is.</p> <p>22 <b>Q    You do not know? Is that your</b></p> <p>23 <b>answer?</b></p>	<p>1    A    I don't.</p> <p>2    <b>Q    Do you recall whether the handbook</b></p> <p>3    <b>you received had a workplace harassment</b></p> <p>4    <b>policy in it?</b></p> <p>5    A    I don't recall. It would have been</p> <p>6 one of -- if I picked it up, I read it. I</p> <p>7 put it down.</p> <p>8    <b>Q    Did you ever refer to your employee</b></p> <p>9    <b>handbook when you were experiencing</b></p> <p>10 <b>difficulty with Frank Williams as you've</b></p> <p>11 <b>described it during the weeks that he trained</b></p> <p>12 <b>you?</b></p> <p>13   A    I don't know that we had procedures</p> <p>14 then. I went through the chain of command.</p> <p>15 <b>Q    My question is, did you ever refer to</b></p> <p>16 <b>your employee handbook that you received?</b></p> <p>17   A    I don't know.</p> <p>18 <b>Q    Now, at some point during your</b></p> <p>19 <b>employment at Flavor House, did you receive a</b></p> <p>20 <b>new or a different employee handbook?</b></p> <p>21   A    I believe so.</p> <p>22 <b>Q    Okay. And without marking it, I'm</b></p> <p>23 <b>going to show you a document that's bates</b></p>



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1 numbered FH000376 to FH000419 and ask you if  
2 that's a copy of the later employee handbook  
3 that you received?

4 A I believe so.

5 Q And were you part of a committee of  
6 employees who were involved in discussing  
7 policies with the new handbook?

8 A I believe we had two meetings.

9 Q When you say we, was this -- you  
10 were? Is the answer yes, you were part of a  
11 group of employees?

12 A I signed up for it.

13 Q And did you participate?

14 A On the meetings that they did have we  
15 signed a paper -- signed if we were present  
16 for those meetings.

17 Q And did you discuss in those meetings  
18 what revision, if any, there might be to the  
19 new handbook or what policies there might be  
20 in the new handbook?

21 A Basically on the point system.

22 Q On attendance?

23 A Yes.

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1 Q That was the area that you were  
2 involved in discussing?

3 A I remember a meeting when things were  
4 being changed.

5 Q When you say things were being  
6 changed, do you mean things that were in the  
7 handbook?

8 A They wanted a committee to -- as I  
9 recall -- making -- they were making  
10 revisions. But it was supposed to happen, I  
11 don't know if it was once a week, once a  
12 month. But with scheduling things, I don't  
13 think I was at maybe one or two. I don't  
14 recall.

15 (Defendant's Exhibit  
16 No. 7 was marked for  
17 identification).

18 Q Okay. Now, just to not have an  
19 enormous, I don't want to mark that entire  
20 handbook as an exhibit. But I'm going to  
21 mark as Exhibit 7 a copy of what is page 7 of  
22 the handbook that we just looked at.

23 Ann, if you could let her have the

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1 whole thing for just one moment to compare  
2 that to what I just handed her.

3 Is Exhibit 7 there a current copy of  
4 page 7 of this 2005 handbook?

5 A Yes.

6 Q Okay. And when I say the 2005  
7 handbook, that was the one we were just  
8 looking at a second ago, the newer version of  
9 the handbook that you said you believe you  
10 did receive; is that right?

11 A Yes.

12 Q And did you receive that some time in  
13 2005?

14 A I'm not sure of the date.

15 Q The date on the handbook is what, May  
16 2005? Is that -- do you recall whether you  
17 received that handbook some time in that same  
18 time frame of May 2005?

19 A I recall something being handed out.

20 Q Do you recall whether it was in the  
21 time frame of May 2005?

22 A I'm not sure.

23 Q Okay. Now, I'm going to show you

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1 what I am going to mark as Exhibit 8.

2 (Defendant's Exhibit  
3 No. 8 was marked for  
4 identification).

5 And ask if this is the Equal  
6 Employment Opportunity policy that's  
7 contained in that May 2005 handbook?

8 A Yes.

9 Q And in the Equal Employment  
10 Opportunity policy, what we have marked as  
11 Exhibit 8 there, the fourth paragraph down,  
12 do you see there where it discusses a toll-  
13 free number where complaints can be made?

14 A Yes.

15 Q And that's also mentioned in the  
16 workplace harassment policy down there at the  
17 bottom of the first page of Exhibit 7; is  
18 that correct? Is the toll-free hotline  
19 number mentioned there also on the first page  
20 of Exhibit 7?

21 A Yes, it's mentioned.

22 Q And also on Exhibit 7, the workplace  
23 harassment policy, that's mentioned as one

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1 **avenue that you could utilize for complaints**  
 2 **of harassment, correct?**  
 3 A Yes.  
 4 **Q In addition to bringing it to the**  
 5 **attention of your immediate supervisor, local**  
 6 **human resources representative, local equal**  
 7 **employment coordinator or Ralcorp's St. Louis**  
 8 **Equal Employment manager; is that correct?**  
 9 A Yes.  
 10 **Q Did you at any time during your**  
 11 **employment with Flavor House call the toll-**  
 12 **free hotline?**  
 13 A No.  
 14 **Q Did you ever, during your employment**  
 15 **with Flavor House, contact the St. Louis**  
 16 **Equal Employment opportunity manager?**  
 17 A No.  
 18 **Q And I know we've already discussed**  
 19 **some discussions you had with your supervisor**  
 20 **and I know we'll probably have some others.**  
 21 **And your local human resource representative**  
 22 **at the time that you left was Tommy Nance,**  
 23 **correct?**

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1 A Yes.  
 2 **Q And who was in that position before**  
 3 **Tommy?**  
 4 A I'm not sure if it was David Helms or  
 5 Richard Holland.  
 6 **Q Richard?**  
 7 A Holland.  
 8 **Q Do you know who was in that position**  
 9 **in 2003 during the time frame that you were**  
 10 **training with Frank Williams?**  
 11 A I'm not sure there was anyone.  
 12 **Q Just not sure?**  
 13 A I'm not sure.  
 14 **Q Okay.**  
 15 A But I don't believe that came in  
 16 until the new management came in or if it  
 17 was --  
 18 **Q When you say the new management, you**  
 19 **mean Mary Ann Boyer?**  
 20 A Yes.  
 21 **Q Do you know when Mary Ann Boyer first**  
 22 **came to the Dothan plant?**  
 23 A I don't know the date. I know that

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1 before they came into the plant we -- the  
 2 management had a meeting with us telling us  
 3 that there was about to be changes, and that  
 4 a new group was coming in.  
 5 **Q But you don't recall when that was?**  
 6 A No.  
 7 **Q I'm going to show you what I have**  
 8 **marked as Exhibit 9 and ask you whether**  
 9 **that's a copy of another page from the**  
 10 **employee handbook that contains the company's**  
 11 **communication policy.**  
 12 **(Defendant's Exhibit**  
 13 **No. 9 was marked for**  
 14 **identification).**  
 15 **Is that a copy of another page from**  
 16 **the 2005 employee handbook that contains the**  
 17 **communication policy?**  
 18 A I believe so.  
 19 **Q And basically the communication**  
 20 **policy states the company's open door**  
 21 **policy?**  
 22 A And that was changed.  
 23 **Q What was changed?**

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1 A The open door policy.  
 2 **Q By the time that the May 2005**  
 3 **handbook came out, is it correct that the**  
 4 **company had an open door policy?**  
 5 MS. ROBERTSON: Object.  
 6 A They said they had an open door  
 7 policy.  
 8 **Q Okay.**  
 9 A But then they put a lock on the door  
 10 and had meetings saying we needed to go to  
 11 our supervisors.  
 12 **Q They put a lock on what door?**  
 13 A To the office door. Your badge  
 14 allows you to go in and out. And our badge  
 15 was not activated to go into the front  
 16 office. There was only certain people's  
 17 badges that could go into the front office,  
 18 such as management, mechanics.  
 19 **Q And if you wanted to go into the**  
 20 **front office to talk to, say, Mary Ann Boyer**  
 21 **how would you do that?**  
 22 A You would either beat on the door  
 23 until somebody could hear you and open it or

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1 try to call somebody's extension if you could  
2 get them and not their voice mail.

3 **Q Well, you spoke on any number of**  
4 **occasions with Mary Ann Boyer in --**

5 **A I was told by Mary Ann--**

6 **Q If I can finish the question, okay?**

7 **A Yes, ma'am.**

8 **Q Sometimes I know you know where I'm**  
9 **going and you try to jump in. But let me**  
10 **finish because she can't get us both down at**  
11 **once.**

12 **I know you talked to Mary Ann Boyer**  
13 **on a number of occasions in the first part of**  
14 **2006 before you left; is that correct?**

15 **A Yes, ma'am.**

16 **Q How did you reach Mary Ann when you**  
17 **wanted to talk to her on those occasions?**

18 **A If I seen her going through the**  
19 **plant, walking through the plant, I would ask**  
20 **her to come speak to me. On some occasions,**  
21 **I would leave a message on her voice mail**  
22 **that when she got the opportunity could she**  
23 **come to my machine.**

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1 **Q And did she then do that?**

2 **A Sometimes and sometimes not.**

3 **Q Were there ever times when you --**  
4 **strike that.**

5 **In addition to the policies that we**  
6 **looked at, is it correct that there were**  
7 **postings in the plant relating to the**  
8 **company's equal employment opportunity and**  
9 **harassment policies?**

10 **A Yes, sir, I believe it was on the**  
11 **wall.**

12 (Defendant's Exhibit  
13 No. 10 was marked for  
14 Identification.)

15 **Q I'm going to show you what I am going**  
16 **to mark as Exhibit 10. And these are -- just**  
17 **so we don't have to have 20 different**  
18 **exhibits. There are different dates on**  
19 **these, okay?**

20 **A Yes, ma'am.**

21 **Q This is the Equal Employment**  
22 **Opportunity notice with the January 2005 date**  
23 **and a policy against harassment with the**

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1 **January 2005 date. And if you will look**  
2 **through here, there are different dates.**  
3 **This is the July -- I'm sorry. January 2004**  
4 **policy against harassment and notice of Equal**  
5 **Employment Opportunity. And then I've also**  
6 **got January 2001 and January 2000.**

7 **Are these the policies that --**  
8 **obviously not all at one time, but on and**  
9 **after the dates at the bottom, are these the**  
10 **policies that you saw posted in the plant?**

11 **A I'm not sure.**

12 **Q You just don't know one way or the**  
13 **other?**

14 **A I really don't.**

15 **Q Okay. Good enough.**

16 **Now, between the time that you**  
17 **trained with Frank in roughly 2003 and the**  
18 **time that Frank became the team leader over**  
19 **line three when you were there and -- when**  
20 **was that? That was in early 2006 or late**  
21 **2005?**

22 **A I believe it was late 2005.**

23 **Q Okay. In between those two periods,**

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1 **you did not work with Frank; is that correct?**

2 **A Correct.**

3 **Q So, you didn't really have any**  
4 **problems with him?**

5 **A No.**

6 **Q No, you didn't or --**

7 **A I don't recall having any problems**  
8 **with him.**

9 **Q In between?**

10 **A When I was away from him.**

11 **Q Okay. And then he became team leader**  
12 **you said in late 2005 over at line three and**  
13 **that conflict began again; is that correct?**

14 **A Yes. I'm not sure of the dates. I'm**  
15 **not good on dates.**

16 **Q Yeah, I think we've got that -- we've**  
17 **established that.**

18 **But whenever it was that he became**  
19 **the team leader over line three, your**  
20 **conflict with Frank began again; is that**  
21 **correct?**

22 **A Yes.**

23 **Q And is it correct that initially the**

(Pages 102 to 105)

27

Page 102

1 **conflict you had with Frank was primarily**  
2 **work issues?**

3 MS. ROBERTSON: Objection.

4 A Not necessarily.

5 **Q Okay. Did you have a meeting in**  
6 **January of 2006 with Chris Jordan, Melvin**  
7 **Hutchins and Frank Williams?**

8 A I believe so.

9 **Q And was it discussed with you during**  
10 **that meeting that you needed to follow the**  
11 **scheduled break times?**

12 A I don't remember that. I mean, I  
13 think they gave us a schedule. I believe  
14 they gave us a schedule.

15 **Q For break times?**

16 A Yes, ma'am.

17 **Q And was it discussed with you in this**  
18 **meeting that you needed to go by that**  
19 **schedule?**

20 A I believe so. But then it was  
21 changed at a later date.

22 **Q And was it discussed with you during**  
23 **this meeting an issue about you running two**

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1 **pallets with wrong labels?**

2 A That was during my training period.  
3 I believe it was. I'm not sure.

4 **Q Okay.**

5 A There were so many incidents.

6 **Q You don't know whether that happened**  
7 **or not?**

8 A I know it happened. I believe it  
9 happened.

10 **Q You just don't know when it happened?**

11 A I just don't know when it happened,  
12 the circumstances. If I could read the  
13 write-up, if I could -- but I was up in that  
14 office with three men. If I say one thing  
15 one way or one thing the other way, I was  
16 always retaliated against or wrote up. If I  
17 complained, I was written up.

18 **Q Well, were you written up in this**  
19 **time frame?**

20 A I believe in that incident I was the  
21 one that was disciplined somehow or another.

22 **Q Were you --**

23 A I believe I complained that Frank --

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1 Frank was -- see, Frank was the one that  
2 could relieve me for breaks, the only one.  
3 And Frank stayed on the telephone in the  
4 break room or outside smoking, and then would  
5 come back and tell me I'm going to break.

6 I'll relieve you whenever I get back.

7 If I complained about that, it got  
8 worse. If I complained about that, they  
9 found something else to complain about on me.

10 **Q Frank did?**

11 A Frank would go to management and tell  
12 management that I was leaving the line or I  
13 wasn't taking my break when I was supposed  
14 to.

15 **Q So --**

16 A On the label operator, they got into  
17 this where they would give the lines break  
18 schedules on -- if you're a label operator,  
19 you can't go by those schedules. You try to  
20 go by the schedules, but you can't go by the  
21 schedules. Because if you're at the end of  
22 the order, there's no one to change out your  
23 labels.

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1 **Q Is it correct then -- let me make**  
2 **sure I understand this.**

3 **You would go to management and**  
4 **complain that Frank wouldn't relieve you from**  
5 **break when he was supposed to and then you**  
6 **claim he would retaliate against you by --**

7 A Returning to management and telling  
8 them --

9 **Q Complaining that you weren't taking**  
10 **your breaks when you were supposed to?**

11 A Or other complaints.

12 **Q Okay. And the issue about you**  
13 **running two pallets of wrong labels, were you**  
14 **told that disciplinary action would occur if**  
15 **that happened again?**

16 A I'm sure.

17 **Q And were you told that loading labels**  
18 **should be done without stopping a line if**  
19 **possible?**

20 A Yes.

21 **Q Were you told that you were**  
22 **responsible for communicating to the filler**  
23 **operator for stopping the line when the**



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1 **accumulating table fills up?**  
 2 A That's -- I don't know if I was told  
 3 that. But a good filler operator watches the  
 4 label machine before it fills up.  
 5 **Q Well, you don't --**  
 6 A And the only way -- you would have to  
 7 holler. I whistled.  
 8 **Q You whistled to let them know?**  
 9 A (Witness nods head.)  
 10 MS. ROBERTSON: Yes?  
 11 **Q Is that yes?**  
 12 A Yes. Sorry.  
 13 **Q Were you told that at the end of the**  
 14 **schedule it is everybody's responsibility to**  
 15 **clean the line and complete any rework and if**  
 16 **you had paperwork that needed to be completed**  
 17 **at the end of the shift, it should be done**  
 18 **after the line had finished cleaning?**  
 19 A I'm not sure. But if I was, I  
 20 believed I would have had a problem with  
 21 that.  
 22 **Q But you don't know whether you were**  
 23 **told that one way or the other?**

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1 A I don't know. Like I said, there  
 2 were so many incidents.  
 3 **Q Was there another meeting with you**  
 4 **and Chris Jordan and Melvin Hutchins and**  
 5 **Frank on February 3rd 2006?**  
 6 A I don't know what you are referring  
 7 to.  
 8 **Q Well, did Chris have a coaching**  
 9 **session with you end of January 2006 with**  
 10 **Melvin present?**  
 11 A A coaching -- I don't understand. A  
 12 coaching session?  
 13 **Q Did he sit down and talk to you with**  
 14 **Melvin --**  
 15 A See --  
 16 **Q -- about problems you had with work?**  
 17 A That was a continuous thing. And  
 18 what those papers, for instance, that you  
 19 have that you asked me have I ever seen them  
 20 before?  
 21 **Q Uh-huh.**  
 22 A The reason I have not seen them  
 23 before is because they've got where they

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1 had -- during that time, they had a new  
 2 system. And while you are talking, it  
 3 doesn't matter if it's casually to your  
 4 supervisor or management, they were told to  
 5 sit there and just document everything you  
 6 say. Therefore, I haven't seen what was  
 7 typed up.  
 8 **Q Well, I haven't asked if you've seen**  
 9 **anything. I just asked if you had a meeting**  
 10 **with --**  
 11 A I don't recall unless I see if I was  
 12 wrote up or if I made a complaint.  
 13 **Q So, you don't recall one way or the**  
 14 **other whether you had a meeting in January of**  
 15 **2006?**  
 16 A If you could refresh my memory of  
 17 what it was about.  
 18 **Q Okay. Well, did Chris Jordan discuss**  
 19 **with you an ongoing issue that when you had a**  
 20 **problem with the label machine that you**  
 21 **quickly would call for a mechanic?**  
 22 A That's when they had their old label  
 23 machine. And yes, I would call for a

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1 mechanic.  
 2 **Q Were particular employees charged**  
 3 **with downtime? In other words, if the line**  
 4 **had to go down while something was done to a**  
 5 **machine, if you were the one that was working**  
 6 **on your label machine, would that be charged**  
 7 **to you?**  
 8 A They would choose whether to put it  
 9 on mechanical time or operator time.  
 10 **Q And if you called for a mechanic, it**  
 11 **would go on their time, correct?**  
 12 A It depended on what the problem was  
 13 with the machine. If you have a mechanic  
 14 standing there and your machine is down, that  
 15 doesn't necessarily mean that it's mechanical  
 16 time. It could also be operator time.  
 17 It doesn't have -- if the mechanic  
 18 was replacing a part or belt, that would be  
 19 mechanical time.  
 20 **Q If you worked on the machine yourself**  
 21 **though, it would obviously be charged to you?**  
 22 A Operator. But then you --  
 23 **Q Let me stop you. Is that a yes?**

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1 A Yes, I'm sorry.  
 2 **Q I want to make sure I understand your**  
 3 **answer. Okay.**  
 4 **Did you also discuss with Chris**  
 5 **that -- a conversation you had had with Frank**  
 6 **where you did not understand when Frank had**  
 7 **told you that a label was not between the**  
 8 **rails, you didn't know what he meant by**  
 9 **"between the rails"?**  
 10 A Yes.  
 11 **Q And did Chris discuss with you that**  
 12 **there was a time that they, the labels, were**  
 13 **not aligned properly on the can, but you**  
 14 **continued to run it, to run the line?**  
 15 A Yes. I did -- I didn't know what to  
 16 do. I was being told to run. I was being  
 17 told don't stop the machine. Then I've been  
 18 told, why didn't you just stop the machine  
 19 and go get a manager and report the cussing.  
 20 **Q Was it discussed with you during this**  
 21 **meeting that you and Frank had an ongoing**  
 22 **problem regarding problem resolution?**  
 23 A I don't understand what you're

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1 asking.  
 2 **Q I'm asking you whether it was**  
 3 **discussed with you during this meeting, a**  
 4 **problem between you and Frank with resolving**  
 5 **problems between each other?**  
 6 A I imagine we were told to handle it  
 7 or I was told to handle it. To get along,  
 8 you have to. Melvin Hutchins told me one  
 9 day, "I hope it's a tie."  
 10 **Q "I hope it's a tie"?**  
 11 A Yes, ma'am.  
 12 **Q What was he --**  
 13 A There was no winners and no losers,  
 14 "I hope it's a tie."  
 15 **Q Did Chris tell you that he in the**  
 16 **future would like to see more team work and**  
 17 **less friction between you and Frank?**  
 18 A I'm sure.  
 19 **Q Now, shortly after that meeting, did**  
 20 **you begin telling co-workers or talking to**  
 21 **co-workers about Frank being a registered sex**  
 22 **offender?**  
 23 A I'm not sure of the time.

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1 **Q Well, at some point, did you start**  
 2 **talking to co-workers about Frank being a**  
 3 **registered sex offender?**  
 4 A I spoke to a co-worker outside about  
 5 Frank being a convicted sex offender.  
 6 **Q Who was that co-worker?**  
 7 A Mark Beard.  
 8 **Q And when you say "outside," you mean**  
 9 **outside where you would go to smoke?**  
 10 A Yes, ma'am.  
 11 **Q All right. And you told some other**  
 12 **employees as well that Frank was a convicted**  
 13 **child molester?**  
 14 MS. ROBERTSON: Objection.  
 15 A I'm not sure.  
 16 **Q You don't know whether you did or**  
 17 **not?**  
 18 A It was a well-known fact. It was a  
 19 well-known thing. Everybody discussed it.  
 20 Frank discussed it. Frank continuously told  
 21 me, "As soon as we got a new governor, I'm  
 22 going to be pardoned."  
 23 **Q I'm asking you whether you told any**

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1 **other employees that Frank was a convicted**  
 2 **child molester?**  
 3 A Mark and I were discussing it on the  
 4 patio. And Jewel wanted to know what we were  
 5 talking about. And we told her to look  
 6 online, just look at your computer. And we  
 7 said he was a convicted sex offender.  
 8 **Q Anybody else besides Jewel?**  
 9 MS. ROBERTSON: Object to the form.  
 10 A I'm not aware. That's when write-ups  
 11 started happening, the harassment started  
 12 happening.  
 13 MS. SWAIN: Let's stop.  
 14 MS. ROBERTSON: Is this a good time  
 15 for lunch?  
 16 MS. SWAIN: Yeah.  
 17 THE VIDEOGRAPHER: The time is  
 18 12:36. This concludes tape number two and  
 19 we're off the record.  
 20 (LUNCH BREAK TAKEN).  
 21 THE VIDEOGRAPHER: The time is 1:57.  
 22 This is the beginning of tape number three.  
 23 We are back on the record.

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1 **Q (By Ms. Swain) Ms. Thornton we were**  
 2 **talking before our lunch break about your**  
 3 **conversations with other people about Frank**  
 4 **being a registered sex offender. Did you**  
 5 **tell Stephanie Lampley that Frank was a**  
 6 **registered sex offender?**

7 A I'm not sure.

8 **Q Did you tell Catherine Long that?**

9 A I believe so.

10 **Q Now, you claim that Frank told --**  
 11 **well, let me ask you this: How did you learn**  
 12 **that Frank was a registered sex offender?**  
 13 **Where did you get that information from?**

14 A I'm not sure who it was, but  
 15 everybody was aware of it.

16 **Q Well, you know what you were aware**  
 17 **of, correct?**

18 A Ma'am?

19 **Q You know what you were aware of?**

20 A That he was a convicted sex offender.

21 **Q Right. You don't know what other**  
 22 **people knew, do you?**

23 A That he was a convicted sex

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1 offender? I don't understand what you're  
 2 asking.

3 **Q In terms of who else knew about it,**  
 4 **I'm just --**

5 MS. ROBERTSON: Tell her how you know  
 6 they know is what she's saying. She's asking  
 7 how do you know everybody knew about it.

8 **Q Well, I'm asking how you knew for**  
 9 **starters.**

10 A I don't remember the initial person  
 11 that told me.

12 **Q Okay. Did it strike you at all as**  
 13 **strange that Frank would want other people to**  
 14 **know that he was a registered sex offender?**

15 A It struck me as strange that he would  
 16 tell that he was.

17 **Q But your testimony is that he, in**  
 18 **fact, did that?**

19 A Ma'am?

20 **Q Your testimony is that he, in fact,**  
 21 **did that?**

22 A Yes.

23 **Q Did you ever hear Frank tell someone**

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1 **else that he was a registered sex offender?**

2 A Yes.

3 **Q Who did you hear Frank tell that to?**

4 A I don't know the name of the other  
 5 person. It was a personal resource person in  
 6 the break room.

7 **Q A personal --**

8 MS. ROBERTSON: I think she means  
 9 personnel.

10 **Q Do you mean the temporary --**

11 A The temp.

12 **Q -- agency? So, it was a temporary**  
 13 **employee he was telling that to?**

14 A Yes, ma'am.

15 **Q I got you. Anybody else you heard**  
 16 **Frank tell that he was a registered sex**  
 17 **offender?**

18 A I don't know who was present, but  
 19 when it was time for him to register, the  
 20 time of year that it was for him to register,  
 21 he said he registered every year.

22 **Q He told you that?**

23 A He told everybody that when he had to

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1 leave work early to go register.

2 **Q I'm asking did he tell you that?**

3 A Yes.

4 **Q What was your understanding of the**  
 5 **nature of Frank's conviction?**

6 A I didn't have an understanding.

7 **Q Well, at some point you got on the**  
 8 **internet, correct?**

9 A Yes.

10 **Q And did you look up that information?**

11 A I tried to. I had -- my son helped  
 12 me do it on our computer.

13 **Q And was this while you were still**  
 14 **employed at Flavor House?**

15 A Yes.

16 **Q And did you tell other employees how**  
 17 **they could find other information about Frank**  
 18 **on the computer?**

19 A No.

20 **Q What did you find on the computer?**

21 A His picture and the charges.

22 **Q Okay. What were the charges that you**  
 23 **found?**

(Pages 118 to 121)

31

Page 118

1 A I don't recall exactly. I recall  
 2 that there was three different ages.  
 3 **Q Do you recall -- you are talking**  
 4 **about of the alleged victims?**  
 5 A Yes.  
 6 **Q Do you recall what those ages were?**  
 7 A 13 -- I know it started at 13. I  
 8 recall that.  
 9 **Q When you say 13, 13 being the**  
 10 **youngest age?**  
 11 A Yes.  
 12 **Q So, was it your understanding that**  
 13 **his conviction was for a sex offense against**  
 14 **children?**  
 15 A Yes, minors.  
 16 **Q Minors. Do you know how old Frank**  
 17 **was when he committed the crime that he was**  
 18 **convicted for?**  
 19 A I didn't ask him.  
 20 **Q So, is your answer no?**  
 21 A No.  
 22 **Q Are you aware that Frank complained**  
 23 **that you were harassing him by telling other**

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1 **people that he was a registered sex offender?**  
 2 A Yes.  
 3 **Q How did you become aware of that?**  
 4 A From one of the write-ups you handed  
 5 me on that occasion.  
 6 **Q What, one of the exhibits?**  
 7 A Yes.  
 8 **Q Show me which one that is.**  
 9 A Where I was wrote up -- I had a  
 10 write-up on it. I documented. It should be  
 11 in my file if it's not here. I had an  
 12 employee come to me telling me that Frank was  
 13 irate. I have it. It's in my personal file.  
 14 **Q Okay. You had an employee come to**  
 15 **you and tell you that Frank was irate?**  
 16 A That I was spreading the word that he  
 17 was a convicted sex offender, that Jewel had  
 18 told him that.  
 19 **Q Okay. And then after -- well, let me**  
 20 **strike that.**  
 21 **Who was the employee that came to**  
 22 **you?**  
 23 A I don't recall that either.

Page 120

1 **Q And after somebody supposedly told**  
 2 **you this, you then went and talked to Melvin**  
 3 **and Chris Jordan?**  
 4 A Yes.  
 5 **Q I'm going to show you what I am going**  
 6 **to mark as Defendant's Exhibit 11 and ask you**  
 7 **if this is a copy of documentation that you**  
 8 **wrote up on that occasion?**  
 9 **(Defendant's Exhibit**  
 10 **No. 11 was marked for**  
 11 **identification).**  
 12 **Is that what this is?**  
 13 A Yes, ma'am.  
 14 **Q And at the time that you wrote this**  
 15 **document up that we've marked as Exhibit 11,**  
 16 **did you meet with Tommy Nance?**  
 17 MS. ROBERTSON: Object.  
 18 A I believe it was after. I'm not for  
 19 sure.  
 20 **Q After you wrote this up you did?**  
 21 A Yes.  
 22 **Q Do you recall whether it was the same**  
 23 **day you wrote this document up?**

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1 A I don't believe it would be because  
 2 things were never handled on the same day.  
 3 **Q Do you have any recollection in**  
 4 **particular of how long it was after you wrote**  
 5 **up this document that you met with Tommy?**  
 6 A I'm not sure.  
 7 **Q Did Tommy Nance tell you -- well,**  
 8 **strike that.**  
 9 **Did you meet with anybody else in**  
 10 **management regarding the situation?**  
 11 MS. ROBERTSON: You mean the -- what  
 12 situation? Object.  
 13 **Q The situation where you went to go**  
 14 **talk to Melvin and Chris about Frank telling**  
 15 **another employee that you had come to them**  
 16 **telling them that he was a child molester.**  
 17 A This is the meeting with Melvin.  
 18 **Q So, when you wrote this letter, you**  
 19 **were with Melvin and Chris?**  
 20 A Right here.  
 21 **Q When you wrote this up, you were**  
 22 **sitting physically with them?**  
 23 A In the office.



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1 **Q What conversation did you have with**  
 2 **Melvin and Chris, anything other than what's**  
 3 **on this form?**

4 **A** This right here (indicating).

5 **Q Did you say anything else during that**  
 6 **meeting?**

7 **A** I'm not sure. I'm sure if I did,  
 8 they documented it on the computer.

9 **Q Nothing else you recall?**

10 **A** Nothing I recall.

11 **Q Do you recall anything they said to**  
 12 **you?**

13 **A** Whenever I documented things, it was  
 14 usually the procedure that they would take  
 15 care of it. And they would make their  
 16 remarks on the bottom if it needed to be put  
 17 down -- any questions they asked me I would  
 18 tell them the answer and then they would  
 19 write it on the bottom -- Chris would write  
 20 it.

21 **Q My question was, do you recall**  
 22 **anything that Chris or Melvin said to you**  
 23 **during this meeting?**

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1 **A** I don't -- it was two years ago. I  
 2 don't know.

3 **Q Okay. Some time after this meeting,**  
 4 **were you told not to be talking about Frank's**  
 5 **criminal history or personal history at work?**

6 **A** Yes.

7 **Q Who told you that?**

8 **A** Tommy Nance.

9 **Q Was anybody else present during that**  
 10 **conversation with Tommy?**

11 **A** I don't believe on the first meeting.

12 **Q Was anything else said during that**  
 13 **meeting by either you or Tommy, other than**  
 14 **Tommy telling you not to go around telling**  
 15 **people that Frank was a child molester?**

16 **A** Yes.

17 **Q What else was said?**

18 **A** He said he didn't need the employees  
 19 conversating over this matter. And then he  
 20 proceeded to tell me that his wife had their  
 21 computer even hooked up to an alert system  
 22 where if there's a child molester in the area  
 23 it would alert them so many radius miles.

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1 And that he didn't want the employees  
 2 talking about it because so many employees  
 3 had children, and they would get worried and  
 4 scared.

5 **Q Anything else said during the**  
 6 **meeting?**

7 **A** (No response).

8 **Q Mrs. Thornton?**

9 **A** I'm sure there was.

10 **Q Anything else you recall that was**  
 11 **said during the meeting?**

12 **A** I believe that he -- I believe this  
 13 is the meeting, I'm not sure, that he told me  
 14 if I had spoke of Frank Williams again I  
 15 would be written up.

16 **Q Okay. Anything else?**

17 **A** Not that I recall.

18 **Q Did you understand that Tommy Nance**  
 19 **believed it would be disruptive for you to be**  
 20 **running around telling other people that**  
 21 **Frank Williams was a child molester?**

22 **A** I found it disruptive for Frank  
 23 Williams to cuss me and being a child

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1 molester.

2 **Q That's not my question. My question**  
 3 **is, is it your understanding that Tommy Nance**  
 4 **thought it would be disruptive for you to be**  
 5 **running around telling other employees that**  
 6 **Frank was a child molester?**

7 **A** I wasn't running around telling other  
 8 people that he was a child molester. I had  
 9 the understanding after this meeting that he  
 10 wanted us to get along. He wanted us not to  
 11 have any problems, just to work on it.

12 **Q And he wanted you to not discuss**  
 13 **Frank Williams being a child molester with**  
 14 **other employees, right?**

15 **A** I never said child molester. I  
 16 denied it then and I deny it now. And I  
 17 tried to say it then.

18 **Q Well, all right. You were discussing**  
 19 **with other people that Frank was a registered**  
 20 **sex offender --**

21 **A** I wasn't --

22 **Q -- if that was the term you would**  
 23 **prefer?**

(Pages 126 to 129)

33

Page 126

1 A -- discussing it with other people.  
 2 I was sitting there with a co-worker on the  
 3 patio that was complaining of Frank Williams  
 4 and that was angry because Frank Williams  
 5 continued to be promoted. And he was being  
 6 denied. And he -- we talked about how he was  
 7 a convicted sex offender and that's all you  
 8 had to be to get promoted. That's how the  
 9 conversation was.

10 And another individual interrupted  
 11 and wanted to know what we were talking  
 12 about. And I told her to go online and look,  
 13 she would see his picture.

14 **Q Do you know whether any of your**  
 15 **former co-workers told management that you**  
 16 **had been telling people that Frank was a**  
 17 **registered sex offender or child molester?**

18 A I don't know. I know -- I mean -- I  
 19 know -- I believe I told Catherine Long after  
 20 the incident with Frank. But it's public  
 21 knowledge that he is a sex offender. And  
 22 it's knowledge in that whole plant how he  
 23 treats women. Every female is a bitch.

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1 There's just a different name before it or  
 2 behind it.

3 **Q That's your opinion?**

4 A That's several people's opinion.

5 **Q Do you know whether there are other**  
 6 **employees that told managers an opinion other**  
 7 **than that?**

8 A Yes, that he calls them names and  
 9 screams and hollers.

10 **Q I asked -- that's not my question.**  
 11 **If you will listen to the question. That's**  
 12 **your opinion you claim that there are others**  
 13 **who hold that same opinion. Do you know**  
 14 **whether there are others who have told**  
 15 **management that they hold a different**  
 16 **opinion?**

17 A A different opinion of Frank?

18 **Q That do not believe that Frank is as**  
 19 **you've described him.**

20 A Well, it might be the ones that he's  
 21 buddies with. I'm sure there is. The ones  
 22 that bring him liquor for Christmas presents  
 23 in the plant. I'm sure there is ones that

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1 are his buddies. His wife that works there,  
 2 his brother that works there. I'm sure there  
 3 are people that think Frank is a good  
 4 person. It's not my opinion not --

5 **Q We get that.**

6 A From the action --

7 **Q If you could try to answer the**  
 8 **questions, all right?**

9 A Yes.

10 **Q Thank you.**

11 **Now, after you've been told not to**  
 12 **discuss Frank's history with other employees,**  
 13 **you were told by Tommy Nance that they had**  
 14 **been told that you had been doing that. You**  
 15 **had been trying to -- you had been acting in**  
 16 **a way that was inflammatory; is that correct?**

17 A I'm not sure.

18 **Q Well, you were actually given a**  
 19 **disciplinary notice about that, right?**

20 A I'll have to look at it.

21 (Defendant's Exhibit  
 22 No. 12 was marked for  
 23 identification).

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1 **Q Let me show you what I have marked as**  
 2 **Defendant's Exhibit 12 and ask you if that is**  
 3 **a copy of a memo to file regarding a**  
 4 **disciplinary discussion that Tommy Nance had**  
 5 **with you?**

6 A I received this write-up.

7 **Q And did you receive the write-up on**  
 8 **March 7th 2006?**

9 MS. ROBERTSON: I object.

10 A This is February.

11 MS. ROBERTSON: I object. This  
 12 doesn't appear to be something that she did  
 13 after. This appears to be he revisited the  
 14 issue.

15 MS. SWAIN: You've stated your  
 16 objection. Let's move forward.

17 **Q Is this something you received on**  
 18 **March 7th 2006?**

19 A This is -- I received this after  
 20 filing the complaint that a person told me  
 21 that Frank Williams had just made harmful  
 22 threats to me, and that he was going to "fuck  
 23 me up," is what I was told.

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1 **Q My question is whether you received**  
2 **this document on March 7th 2006.**

3 **A I don't know the date. I know that I**  
4 **received this after I went to the office and**  
5 **said, "So and so says he has just said that**  
6 **he is going to fuck me up if I ever cause him**  
7 **to lose his job or if I ever say anything to**  
8 **him again. One way or another he is going to**  
9 **get me."**

10 **And this is when I was wrote up.**  
11 **This is what that's wrote up. That's why I**  
12 **wrote, "I disagree with entire situation."**

13 **Q All right. Do you see the date on**  
14 **here is March 7th 2006?**

15 **A I am not good with dates. I know --**

16 **Q I'm not asking if you are good with**  
17 **dates. I'm asking if you see on the**  
18 **document --**

19 **A I see what they have typed there.**

20 **Q Let me finish the question please**  
21 **before you start your answer.**

22 **Do you see the date on the document**  
23 **is March 7, 2006?**

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1 **A Yes.**

2 **Q Is this your signature down here --**

3 **A Yes.**

4 **Q -- on the right-hand side of the**  
5 **document? Is that a "yes"?**

6 **A Yes.**

7 **Q Did you actually meet with Tommy**  
8 **Nance at the time that this document was**  
9 **given to you?**

10 **A Yes.**

11 **Q Did Tommy tell you that he had**  
12 **determined that you had acted in a way that**  
13 **was inflammatory and instigational?**

14 **A He told me that he had went through**  
15 **my file. I had not been written up before.**  
16 **And this was why he was giving me a first --**  
17 **he referred to it as a first something.**

18 **And that, in fact, that he had found**  
19 **that I had discussed Frank Williams once**  
20 **again. And this -- he gave me this when I**  
21 **went and reported Frank Williams making**  
22 **threats on me.**

23 **Q Is this your handwriting down at the**

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1 **bottom?**

2 **A This is my handwriting (indicating).**

3 **Q Who is it that supposedly told you**  
4 **that Frank was making threats against you?**

5 **A Leigh Taylor.**

6 **Q What was her position?**

7 **A She worked in the front office.**

8 **Q Doing what?**

9 **A I'm not sure.**

10 **Q Is she an hourly employee?**

11 **A I'm not sure.**

12 **Q When did Leigh Taylor tell you that**  
13 **Frank had made threats against you?**

14 **A On the day that I reported this.**

15 **Q On the day that you reported what?**

16 **A That he made threats to me. He had**  
17 **made threats to me that day to her.**

18 **Q I'm trying to -- but you don't --**

19 **A No, I don't have a date.**

20 **Q So, you don't know when she told you**  
21 **that and you don't know when you reported it?**

22 **A I know this write-up came because of**  
23 **the conversation she had with me and I had**

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1 **with her.**

2 **Q That's your opinion?**

3 **A That's what I was told.**

4 **Q So, Tommy told you that he was giving**  
5 **you the write-up because you had --**

6 **A I had --**

7 **Q Let me finish the question, please.**

8 **A Yes, ma'am.**

9 **Q Did Tommy tell you that he was giving**  
10 **you the write-up because Leigh Taylor had**  
11 **told you that Frank had made a threat?**

12 **A He told me that he was giving me the**  
13 **write-up because I had the conversation with**  
14 **Leigh Taylor.**

15 **Q Did you tell Leigh Taylor during that**  
16 **conversation that Frank was a convicted sex**  
17 **offender?**

18 **A After she told me of the threats he**  
19 **made.**

20 **Q Do you know whether Leigh Taylor told**  
21 **Tommy Nance that you had told her that Frank**  
22 **was a registered sex offender?**

23 **A I'm not sure.**

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1 **Q Tell me once again what the threat**  
 2 **was that Frank supposedly made.**  
 3 A She asked me, "What have you done to  
 4 him?" And I said, "Why?" And she said,  
 5 "Because he just said how he was going to  
 6 fuck you up," that if you cost him his job  
 7 he'll get you, that I was stuck up Mary Ann's  
 8 ass and Melvin's ass and he would fucking get  
 9 me.  
 10 **Q Anything else that Leigh told you**  
 11 **that Frank supposedly said?**  
 12 A She made the comment that he was  
 13 always talking about sex, what -- how his sex  
 14 life was, what they did together. And I told  
 15 her, "He's a convicted sex offender."  
 16 **Q Anything else said during that**  
 17 **conversation with Leigh?**  
 18 A When I referred to telling her that  
 19 he's a convicted sex offender when she asked  
 20 me what did I do, I told her that I was --  
 21 already told if I spoke about it again I  
 22 would be fired. And that's what I did.  
 23 **Q Well, anything else discussed with**

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1 **Leigh Taylor?**  
 2 A I'm not sure.  
 3 **Q Anything else you remember?**  
 4 A Not right now.  
 5 **Q Well, is there anything that will**  
 6 **refresh your recollection about that**  
 7 **conversation?**  
 8 A I'm not sure.  
 9 **Q Do you have any documents about that**  
 10 **that would reflect that conversation?**  
 11 A I'm not sure. Like I said, I had  
 12 boxes.  
 13 **Q And you've looked for them through**  
 14 **your boxes, right?**  
 15 A Yes, ma'am.  
 16 **Q And you can't find them?**  
 17 A Yes, ma'am.  
 18 **Q So, after that conversation with**  
 19 **Leigh, you then went to whom to complain?**  
 20 A I went to Tommy Nance.  
 21 **Q And what conversation did you have**  
 22 **with Tommy?**  
 23 A I repeated to him what I had just

Page 136

1 been told.  
 2 **Q Anything else discussed with Tommy at**  
 3 **that time?**  
 4 A I told him that I had asked Leigh  
 5 would she be willing to tell Tommy what she  
 6 had just told me and she said yes.  
 7 **Q Did you talk to Chris Jordan and**  
 8 **Melvin Hutchins about your conversation with**  
 9 **Leigh?**  
 10 A I'm not sure because we were on the  
 11 patio when she told me. And we have to go  
 12 by -- we go by the office -- I might have  
 13 even let her -- have her let me in the  
 14 office. I'm not sure.  
 15 **Q So, you're saying you may have just**  
 16 **stopped by Tommy's office right after you had**  
 17 **the conversation with Leigh?**  
 18 MS. ROBERTSON: Using the open door  
 19 policy that wasn't open.  
 20 MS. SWAIN: Ann, I'm going to ask you  
 21 again to stop interfering with the  
 22 deposition.  
 23 MS. ROBERTSON: Well, you stop being

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1 rude to my client, please.  
 2 MS. SWAIN: I'm not being rude to  
 3 your client.  
 4 MS. ROBERTSON: Well, the video will  
 5 show it I assure you.  
 6 MS. SWAIN: That's why it is being  
 7 videoed.  
 8 MS. ROBERTSON: You certainly are  
 9 being rude and brusk and mean.  
 10 MS. SWAIN: Stop interfering with the  
 11 deposition, please.  
 12 **Q So you may have just stopped by**  
 13 **Tommy's office on your way back through the**  
 14 **office; is that what you're saying?**  
 15 A It upset me that he had made  
 16 threats -- physical threats.  
 17 **Q And my question is, do you think you**  
 18 **just stopped by Tommy's office on your way**  
 19 **back from the patio?**  
 20 A I might have. I'm not for sure.  
 21 **Q And that being the case, would that**  
 22 **mean then that you probably would not have**  
 23 **talked to Melvin and Chris about that**



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1 conversation with Leigh?  
 2 A I might not have. I might have.  
 3 Considering that she was an employee in the  
 4 front office, I may not have.  
 5 Q So, you're just not sure whether you  
 6 did or not?  
 7 A Right.  
 8 Q Okay. Do you know whether Leigh ever  
 9 told Tommy Nance about the conversation that  
 10 you had with her?  
 11 A Yes. That's when I received my  
 12 write-up.  
 13 Q Was Leigh present when you received  
 14 your write-up?  
 15 A No.  
 16 Q When did Leigh talk to Tommy Nance?  
 17 A I assume whenever Tommy called her in  
 18 the office he told me he would speak to her  
 19 after I reported the threat.  
 20 Q Okay. So, you talked to Tommy, Tommy  
 21 told you he would talk to Leigh. Were you  
 22 present when Tommy talked to Leigh?  
 23 A No.

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1 Q Do you know whether he, in fact, did  
 2 talk to Leigh?  
 3 A No. Because shortly after that she  
 4 was no longer with the company.  
 5 Q Okay.  
 6 A He told me when he gave me this he  
 7 had talked to --  
 8 MS. ROBERTSON: Defendant's Exhibit  
 9 12. You have to say what it is when you  
 10 point to it.  
 11 THE WITNESS: Okay.  
 12 Q (By Ms. Swain) Okay. What did he say  
 13 about his conversation with Leigh?  
 14 A After speaking to Leigh, he had  
 15 decided, according to his information, that I  
 16 had discussed Frank Williams after being told  
 17 not to.  
 18 Q Do you know what Leigh told Tommy?  
 19 A She was supposedly terminated a  
 20 couple of weeks later. I never seen her  
 21 again.  
 22 Q So, is your answer no?  
 23 A No.

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1 Q Other than the conversations that you  
 2 had -- the conversation that you had with  
 3 Leigh on the patio, did you ever have any  
 4 other conversation with Leigh Taylor about  
 5 Frank Williams?  
 6 MS. ROBERTSON: Put that down and  
 7 listen to her.  
 8 A I'm sure. Because we were all  
 9 smokers and we sat on the patio for our  
 10 breaks. And he was always vocal about his  
 11 sex life.  
 12 Q Was Frank -- when you say we all were  
 13 out on the patio for a break, are you  
 14 including Frank or are you talking about you  
 15 and Leigh?  
 16 A Well, if Frank got up to go back  
 17 inside, Leigh would look at me and say,  
 18 "That's all he does is talk about his sex  
 19 life."  
 20 Q All right. Tell me about that. You  
 21 claim Frank always talked about his sex  
 22 life. What kinds of comments would he make?  
 23 A "I can tell my wife is cheating

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1 because when we fuck -- the way she feels  
 2 inside is loose. I know she's cheating."  
 3 When his wife left him and he started going  
 4 with a girl that works at the plant, he would  
 5 come in, "I haven't slept all night. We  
 6 fucked four hours. We even did it in the car  
 7 in the backyard where the children were  
 8 inside. We didn't want the kids to see. She  
 9 gave me a blow job. If my wife did this for  
 10 me, we wouldn't be divorced. She's agreed on  
 11 that."  
 12 Q Anything else?  
 13 A I'm sure there is. I just can't --  
 14 I'm nervous and I can't recall right now.  
 15 Q And you say Leigh Taylor was present  
 16 when all of these comments were made?  
 17 A I'm not sure for all of them.  
 18 Q But she -- Leigh heard at least some  
 19 of these comments?  
 20 A Yes.  
 21 Q Who else was present?  
 22 A I don't know.  
 23 Q Do you know of anybody else that

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1 would have heard these comments that you  
 2 claim Frank was making all the time?  
 3 A They would have to be asked, the  
 4 people that I worked with.  
 5 Q Well, who are the people that you  
 6 worked with that you think would have been  
 7 around Frank and might have heard him making  
 8 these comments that you claim he was making  
 9 all the time?

10 A Catherine Long, Kim Perkins. If the  
 11 people would tell the truth. The females  
 12 there are job scared and scared of  
 13 retaliation if they would tell the truth.

14 Q If you can answer the questions,  
 15 please, instead of just volunteering whatever  
 16 you feel like saying. The question is, who  
 17 else would have heard these comments?

18 A I'm not sure whoever was in the  
 19 listening vicinity.

20 Q Do you know of any other people that  
 21 were around when you heard Frank make  
 22 comments of this nature?

23 A I don't know.

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1 Q The only people you know of that  
 2 might have heard him are Leigh Taylor,  
 3 Catherine Long and Kim Perkins?

4 A Yes.

5 Q Did Leigh Taylor tell you on any  
 6 other occasions about any threatening remarks  
 7 by Frank Williams?

8 A No.

9 Q Did any other employee tell you on  
 10 any other occasions about any threatening  
 11 remarks by Frank Williams?

12 A No, not that I'm aware of.

13 Q Did Frank Williams ever make any  
 14 threatening remarks directly to you?

15 A Yes.

16 Q Okay. What were those?

17 A "Stupid, fucking bitch."

18 Q Well, I understand he made comments  
 19 that you did not like. My question is, did  
 20 he make any comments that threatened that he  
 21 was going to do something to you?

22 A The throwing the pallet on the floor,  
 23 the throwing the garbage bag, the "mother

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1 fucker -- you goddamn mother fucker." And  
 2 continuously picking up a pallet, throwing it  
 3 on the floor. Threw the large garbage bag  
 4 that's half as big as this table full of  
 5 cans. Continuously calling me a goddamn  
 6 mother fucker while people walked by and me  
 7 begging the mechanic to please page a  
 8 supervisor, please.

9 Q I'm not just asking you about  
 10 anything he did that you didn't like. I'm  
 11 asking you specifically if he made any  
 12 comments that were threatening to you in the  
 13 sense of saying he was going to do something  
 14 to you. Not physical actions, not just cuss  
 15 words. But I'm trying to find out whether he  
 16 asked you -- if he ever made any comments to  
 17 you that were threatening in the sense that  
 18 he was stating something that he was going to  
 19 do to you.

20 A That he wasn't going to put up with  
 21 the fucking shit no more. That's as he was  
 22 throwing the pallet, the garbage bags.

23 Q Okay. Anything else?

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1 A Not at this moment.  
 2 (Defendant's Exhibit  
 3 No. 13 was marked for  
 4 identification).

5 Q I'm going to show you what I'm going  
 6 to mark as Defendant's Exhibit 13 and ask you  
 7 if this is another documentation form that  
 8 you filled out?

9 MS. ROBERTSON: Another one?

10 A This is another --

11 Q Let me see that just for a second.

12 MS. ROBERTSON: This is the one she  
 13 made before they wrote her up on March the  
 14 7th.

15 MS. SWAIN: Let her testify, please,  
 16 Ann. Thank you.

17 MS. ROBERTSON: Well, she's already  
 18 testified to it.

19 MS. SWAIN: We haven't discussed this  
 20 document.

21 MS. ROBERTSON: She told you she made  
 22 a complaint in writing before she was written  
 23 up on March 7th. This would be it.

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1 MS. SWAIN: Ann, I'm going to ask you  
2 one more time to stop telling her what the  
3 testimony is. She can testify about what the  
4 document is.

5 MS. ROBERTSON: Well, you need to  
6 listen to what the testimony is so you won't  
7 try to mislead her.

8 MS. SWAIN: I'm not trying to mislead  
9 her. I'm asking if this is a document that  
10 you wrote -- another documentation form that  
11 you wrote up.

12 **Q Is that what this is, Ms. Thornton?**

13 A I wrote that up.

14 **Q And you wrote this one on March 1st  
15 2006?**

16 A Yes.

17 **Q And at the time that you wrote this  
18 up, it says Melvin Hutchins and Chris Jordan  
19 were present.**

20 A Yes.

21 **Q Was anybody else present?**

22 A Not that I'm aware of.

23 **Q And was this -- this is your**

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1 handwriting where it says what happened; is  
2 that correct?

3 A Yes.

4 **Q And you wrote, "Repeatedly have been  
5 told of comments that have been" -- I'm  
6 sorry. "That team leader has made against  
7 me. One after investigation. Very serious  
8 comments and threats made."**

9 **Are you talking there about the  
10 comments that Leigh told you, Leigh Taylor?**

11 A I'm not sure. All I know is I  
12 documented every time I was threatened.

13 That's why I documented like this. That's  
14 why I documented right there (indicating). I  
15 know that every time he made a threat, I  
16 documented it. I'm not good on the dates.

17 I'm not good what happened first, what  
18 happened last. Every time I was threatened,  
19 I documented it.

20 **Q So, on this particular document,  
21 you're not sure what you're talking about?**

22 A I'm -- this is where Leigh told me  
23 about --

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1 **Q Well, look at this at the bottom.**

2 MS. ROBERTSON: Wait. Do not  
3 interrupt her. Please let her answer the  
4 question.

5 **Q If you will look at the bottom --**

6 MS. ROBERTSON: Wait. Let her finish  
7 the question.

8 MR. CRUM: There was no question.  
9 She just started talking.

10 MS. SWAIN: I'm not going to have you  
11 tell me what I can ask her. I'm trying to  
12 point something out to her --

13 MS. ROBERTSON: All right. Let the  
14 record reflect that she interrupted her when  
15 she was trying to answer the question. Go  
16 ahead.

17 **Q Do you see here at the bottom of the  
18 document where it says, "These threats and  
19 comments were made to an employee at the  
20 front office"? Does that suggest to you  
21 perhaps you were talking about the comments  
22 that Leigh had told you about?**

23 A It might have.

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1 **Q But you're not certain of that?**

2 A I am not -- all I know is I  
3 documented every time I was threatened. And  
4 I was written up and reprimanded when I  
5 complained. I did the chain of command.  
6 They weren't there to help me.

7 **Q Okay. My question is, you're not  
8 certain whether on Exhibit 13 whether you're  
9 talking about what Leigh told you or what  
10 you're talking about?**

11 A I'm not sure of what came first, what  
12 came last.

13 **Q Okay. I'm just asking you about this  
14 particular incident.**

15 A I'm not sure.

16 **Q Okay. That's all I'm asking.**

17 **Other than Exhibit 12, which is this  
18 one, did Tommy Nance ever write you up on any  
19 other occasions?**

20 A Probably if I had complained about  
21 something. I'm not sure.

22 **Q You don't know one way or the other?**

23 A I'm not sure.

(Pages 150 to 153)

39

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1 **Q** How many times did you complain to  
 2 **Tommy Nance?**  
 3 **A** I didn't count them.  
 4 **Q** So, you don't know?  
 5 **A** I complained to anybody that would  
 6 listen. I complained to any supervisor that  
 7 walked by me.  
 8 **Q** How many times did you complain to  
 9 **Tommy Nance? Is your answer you don't know?**  
 10 **A** I do not know.  
 11 **Q** Okay. And you also complained to  
 12 **Melvin Hutchins; is that correct?**  
 13 **A** Yes.  
 14 **Q** Do you know how many times you  
 15 complained to **Melvin?**  
 16 **A** About?  
 17 **Q** **Frank.**  
 18 **A** I do not know.  
 19 **Q** Do you know how many times you  
 20 complained to **Chris Jordan** about **Frank?**  
 21 **A** I do not know.  
 22 **Q** Do you know how many times you  
 23 complained to **Mary Ann Boyer** about **Frank?**

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1 **A** I do not know.  
 2 **Q** Other than those people, **Mary Ann,**  
 3 **Chris, Melvin --**  
 4 **MS. ROBERTSON:** Listen to her.  
 5 **Q** -- and **Tommy,** and **Fannie Ash** earlier  
 6 on, I guess, was there anybody else that you  
 7 complained to about **Frank** in management or  
 8 human resources?  
 9 **A** Could you repeat the names?  
 10 **Q** Yeah. **Tommy Nance, Mary Ann Boyer,**  
 11 **Chris Jordan, Melvin Hutchins** and then  
 12 earlier on **Fannie Ash.**  
 13 **A** I'm not sure. Their supervisors came  
 14 and went. I complained to anybody that would  
 15 listen. Anybody I could complain to.  
 16 **Q** How frequently would you say your  
 17 complaints about **Frank** were? Was this a  
 18 daily event, once a week?  
 19 **A** It depended on **Frank's** moods and  
 20 **Frank's** language and what was going on in  
 21 **Frank's** life.  
 22 **Q** Now, let's talk about the incident  
 23 that happened on **June 14th.** On **June 14th,**

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1 you had an incident or a conflict with **Frank**  
 2 **Williams; is that correct?**  
 3 **A** Yes.  
 4 (Defendant's Exhibit  
 5 No. 14 was marked for  
 6 identification).  
 7 **Q** Let me show you what I have marked as  
 8 **Defendant's Exhibit 14** and ask you if that's  
 9 a copy of the documentation form that you  
 10 wrote regarding that incident?  
 11 **A** Yes.  
 12 **Q** Take a minute, if you would like, to  
 13 read over that if you would like to.  
 14 **A** (Witness complies).  
 15 **MS. ROBERTSON:** Do you have one that  
 16 shows what that last word on the bottom is?  
 17 **MS. SWAIN:** I think it's "over." I'm  
 18 pretty sure it just says "over." I think  
 19 what's on page 2 is actually on the back on  
 20 the original document.  
 21 **Q** Now, on **June 14th,** was **Frank** filling  
 22 in while you were on a break? Is that what  
 23 was going on before this started?

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1 **A** I believe so.  
 2 **MS. ROBERTSON:** Can that little man  
 3 with the stick come in and make it cooler?  
 4 **MS. SWAIN:** I'll have to ask again.  
 5 (DISCUSSION OFF THE RECORD.)  
 6 **Q** Now, when you returned from your  
 7 break, there was rework there that needed to  
 8 be done at your station, at your machine?  
 9 **A** On the rework table and on the floor  
 10 and in boxes.  
 11 **Q** And that would be right around where  
 12 you would work; is that correct?  
 13 **A** Yes, and to the left.  
 14 **Q** And you asked him to help you with  
 15 that?  
 16 **A** Yes.  
 17 **Q** And then that evolved into a conflict  
 18 where he yelled at you?  
 19 **MS. ROBERTSON:** Object.  
 20 **A** Where he flipped out on me.  
 21 **Q** And did he yell at you?  
 22 **A** Yes.  
 23 **Q** And you claim that he yelled cuss



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1 words?

2 A Yes.

3 **Q Did Frank tell you when you came back**  
4 **from your break that he had been asked by**  
5 **Chris Jordan to do something else as soon as**  
6 **you got back?**

7 A No.

8 **Q Did you yell at Frank during this**  
9 **altercation or conflict?**

10 A If I did, it was to tell him to stop  
11 yelling and cussing me.

12 **Q Other than just saying that, your**  
13 **testimony is that you didn't yell anything at**  
14 **all at him?**

15 A Yes, I did not.

16 **Q Did you use any profanity towards**  
17 **Frank during this conflict?**

18 A No.

19 **Q Now, you claim that you asked -- you**  
20 **indicate Donald Coty walked by; is that**  
21 **correct?**

22 A Yes.

23 **Q And who is Donald Coty?**

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1 A A mechanic.

2 **Q And you asked him to get a**  
3 **supervisor?**

4 A Donald was a supervisor. Yes, I  
5 asked him to call our supervisor.

6 **Q Who would have been Melvin?**

7 A Melvin or Chris.

8 **Q Okay. And eventually Chris came and**  
9 **Melvin came, correct?**

10 A Eventually both did.

11 **Q Okay. Now, during this conflict, as**  
12 **you describe on here, Frank yells at you,**  
13 **Frank cusses at you. And as he's walking**  
14 **away, he continues to yell and cuss at you**  
15 **basically; is that correct?**

16 A Yes.

17 **Q Was there anything about this**  
18 **particular incident that made it different**  
19 **from what you said was going on everyday when**  
20 **you were working with him in the training?**

21 A Frank -- every fit that Frank had it  
22 escalated into something worse every time.

23 This was the worst that I had seen.

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1 **Q How was this worse than the other**  
2 **occasions that you testified about earlier?**

3 A He physically threw things. He  
4 physically swung his arms in the air  
5 screaming, cussing, "Goddamn mother fucker."  
6 And physically picking up a pallet and  
7 slamming it back down and picking it up and  
8 slamming it back down and throwing that bag.

9 And when he threw the bag, the rework  
10 that was on the rework table come flying at  
11 me. And he was acting crazy walking inside  
12 the curtain, outside the curtain, inside the  
13 curtain, outside the curtain, continuously  
14 staring at me and cussing.

15 I stood there and ignored him and  
16 continuously asked the mechanic to please get  
17 a supervisor.

18 **Q Which they did?**

19 A Eventually.

20 **Q Okay. So, this was a worse incident**  
21 **than the incidents you had had with Frank in**  
22 **the past?**

23 A It was worst than the time before and

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1 that time was worse than the time before.

2 **Q Now, when Melvin and Chris came, is**  
3 **it correct that Chris Jordan told you to come**  
4 **by his office and write out a statement?**

5 A At 3:00.

6 **Q And what time was it when this**  
7 **incident took place?**

8 A I put 11:00 to 11:05 with a question  
9 mark.

10 **Q Between 11:00 and 11:05 when all of**  
11 **this happened and then 3:00 -- well, let me**  
12 **go back.**

13 **Did you go to Chris Jordan's office**  
14 **at 3:00?**

15 A I tried to go to Chris' office before  
16 then.

17 **Q What time did you, in fact, go to**  
18 **Chris' office?**

19 A I'm not sure. Whenever I was  
20 relieved or the line was finished.

21 **Q Was that before 3:00?**

22 A I'm not sure.

23 **Q Between the time -- between 11:00 to**

(Pages 158 to 161)

41

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1 11:05 when all of this was happening and the  
 2 time you went to Chris Jordan's office, did  
 3 you continue to work?  
 4 A I had to.  
 5 Q So yes?  
 6 A Yes.  
 7 Q And did Frank continue to work?  
 8 A Frank continued to pace up and down  
 9 and stare at me.  
 10 Q Did Frank say anything else to you  
 11 that day?  
 12 A No.  
 13 Q And when you went to Chris Jordan's  
 14 office, you wrote out this statement here  
 15 that we've marked as Exhibit 14; is that  
 16 correct?  
 17 A Yes.  
 18 Q And you indicated on your statement  
 19 that Catherine Long, Wesley and Tomika Cook  
 20 were people who were in the area?  
 21 A Yes.  
 22 Q Do you know Wesley's last name?  
 23 A McInnis.

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1 Q Is he a mechanic?  
 2 A Yes.  
 3 Q And then after you wrote up this  
 4 statement, did you go home for the day?  
 5 A Yes, I believe so.  
 6 Q Did you have any conversation with  
 7 Chris Jordan when you wrote out this  
 8 statement?  
 9 MS. ROBERTSON: It's so hot in here  
 10 it caused the fire alarm to go off.  
 11 THE VIDEOGRAPHER: The time is 2:43  
 12 and we're off the record.  
 13 (BREAK TAKEN).  
 14 THE VIDEOGRAPHER: The time is 3:02.  
 15 This is the beginning of tape number four.  
 16 We are back on the record.  
 17 Q (By Ms. Swain) All right. Ms.  
 18 Thornton, on June 15th, the day after the  
 19 incident that we were discussing before our  
 20 break, you were returned to work; is that  
 21 correct?  
 22 A Yes.  
 23 Q And on June 15th, is that when you

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1 began working or you worked that day anyway  
 2 on line five?  
 3 A No.  
 4 Q No? You worked on line three still?  
 5 A Yes.  
 6 Q Okay. And did Frank Williams speak  
 7 to you at all on June 15th?  
 8 A No.  
 9 Q Did he interact with you at all on  
 10 that day?  
 11 A He stood at the rework table just  
 12 glaring at me. He stood in front of my  
 13 machine just glaring at me. He would walk  
 14 from the rework table back to my machine,  
 15 back to the filler, turn around and glare at  
 16 me.  
 17 Q Any other incidents or interactions  
 18 with Frank Williams on June 15th?  
 19 A Not that I recall. I reported to  
 20 Melvin that I didn't feel safe working around  
 21 him.  
 22 Q That was on the 15th that you  
 23 reported that to Melvin?

Page 161

1 A Yes.  
 2 Q Okay. Was that before the end of  
 3 your shift?  
 4 A Yes.  
 5 Q How long had you worked at that  
 6 point?  
 7 A I'm not sure. Shortly after I  
 8 reported that to Melvin, I was moved to line  
 9 five.  
 10 Q Do you recall how long you worked on  
 11 line three before you reported that to  
 12 Melvin?  
 13 A No.  
 14 Q So, at some point during that day of  
 15 June 15th is when you were moved to line  
 16 five?  
 17 A Yes.  
 18 Q Okay. And for those of us who have  
 19 never worked at Flavor House, there are --  
 20 there's a line one, line two, line three,  
 21 line four and line five, correct, kind of one  
 22 after the other?  
 23 A Yes.

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1 Q So, between line three and line five  
2 would be line four; is that correct?  
3 A Yes.  
4 Q Do you know what the distance is in  
5 feet, say, between line three and line five?  
6 A Not exact.  
7 Q I assume you've never actually got  
8 out there and measured it?  
9 A No.  
10 Q And when you moved to line five,  
11 Frank Williams remained on line three?  
12 A Frank was still in his team leader  
13 position.  
14 Q On line three, correct?  
15 A Yes.  
16 Q Now, when you moved to line five,  
17 were you still working as a label operator?  
18 A Yes.  
19 Q And you had the same hours as you had  
20 on line three?  
21 A No.  
22 Q What were your hours on line five?  
23 A Whatever the schedule was on line

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1 five.  
2 Q Were you still on the same shift?  
3 A Yes.  
4 Q And when you say your hours were  
5 different, do you mean like your starting and  
6 stop times were different or the number of  
7 hours might be different?  
8 A Either if that line had night shift  
9 or not or if you had to stay and finish the  
10 schedule.  
11 Q And was the 15th of June the only day  
12 that you actually worked on line five?  
13 A No.  
14 Q You worked on line five for some  
15 period of time on the 16th?  
16 A Yes.  
17 Q And were those two days the only two  
18 days that you worked on line five?  
19 A No.  
20 Q Okay. When else did you work on line  
21 five?  
22 A I don't recall the dates.  
23 Q I guess what I'm trying to figure out

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1 is, in this time frame -- I mean, I don't  
2 mean like at some prior point.  
3 A Okay.  
4 Q After you got moved to line five  
5 after the June 14th incident, the 15th for  
6 part of the day and I guess the beginning of  
7 the 16th are the only days you worked on line  
8 five, correct?  
9 A Yes.  
10 Q Do you know what your schedule would  
11 have been on line five had you continued in  
12 that role?  
13 A I don't understand what your -- for  
14 the rest of the day?  
15 Q No. I mean had you not left your  
16 employment at Flavor House and you had stayed  
17 there and you had stayed on line five, do you  
18 know what your schedule would have been on  
19 line five?  
20 A The schedule changes everyday for  
21 every line.  
22 Q Okay.  
23 A It goes on the orders.

Page 165

1 Q Do you know how many hours you would  
2 have worked each week on line five?  
3 A I wouldn't know how many hours on any  
4 line.  
5 Q Do you know whether the number of  
6 hours that you worked on line five would have  
7 been more or less than the number of hours  
8 you worked on line three?  
9 A I don't know.  
10 Q Did you receive the same amount of  
11 pay on line five as you had when you worked  
12 on line three?  
13 A I received my label operator pay.  
14 Q And that was the same?  
15 A Yes.  
16 Q Now, when you told Melvin Hutchins on  
17 the 15th that you weren't comfortable working  
18 with Frank, did Melvin tell you the situation  
19 would be resolved?  
20 MS. ROBERTSON: Objection. That's  
21 not what she has testified to.  
22 Q Did you tell Melvin Hutchins on the  
23 15th that you were not comfortable working

(Pages 166 to 169)

43

Page 166

1 with Frank?

2 A I told him I did not feel safe

3 working with Frank.

4 Q When you told Melvin Hutchins that

5 you did not feel safe working with Frank on

6 the 15th, did Hutchins tell you the situation

7 would be resolved?

8 A No.

9 Q Okay. What did he tell you?

10 A He told me that he didn't blame me,

11 that he had read my complaint and just to

12 pray about it.

13 (Defendant's Exhibit

14 No. 15 was marked for

15 identification).

16 Q Let me show you what I am going to

17 mark as Defendant's Exhibit 15. Is that a

18 copy of the charge of discrimination that you

19 filed at the EEOC?

20 A Yes.

21 Q And you filed that charge on --

22 looking on the first page there. Is that --

23 it looks like it was received by the EEOC on

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1 September 21st 2006. Does that sound like

2 the right date when you filed the charge?

3 A I'm not sure on the date.

4 Q Did you sign it on September 15th

5 2006?

6 A That's my handwriting.

7 Q So, is that a yes, you signed it on

8 the 15th?

9 A Yes.

10 Q Look, if you would, on the third page

11 of this Exhibit 15.

12 A (Witness complies.)

13 Q The second paragraph from the bottom,

14 the one at the beginning of the paragraph

15 starts with, "On or about June 15th." Do you

16 see that paragraph there?

17 A Yes.

18 Q The middle bottom of the page.

19 Starting on the right side of that paragraph,

20 third line from the bottom, do you see where

21 it says, "He reassured me that the situation

22 would be resolved." Are you talking about

23 Melvin Hutchins right there?

Page 168

1 A Yes.

2 Q And is that true, that Melvin

3 Hutchins told you that this situation would

4 be resolved?

5 A Yes.

6 Q Did you -- after that conversation

7 with Melvin, how long was it before he --

8 well, strike that.

9 Is Melvin Hutchins the one that told

10 you to go to line five?

11 A I believe it was Chris Jordan.

12 Q Okay. After your conversation with

13 Melvin that's described here, how long after

14 that did Chris Jordan tell you to go to line

15 five?

16 A I'm not sure. I believe they had to

17 get another label operator to relieve me.

18 Q So, you're not sure how long that

19 took?

20 A I'm not sure.

21 Q So, you worked on line five until the

22 end of your regular working time on June

23 15th?

Page 169

1 A Yes.

2 Q And then on June 16th you came to

3 work, correct?

4 A Yes.

5 Q How long did you work on the 16th?

6 A Not long at all.

7 Q And was Frank at work on the 16th?

8 A No.

9 Q Do you know where he was?

10 A It was said over the radios that

11 mechanics walk around with that he was on

12 vacation.

13 Q Okay. And is that how you knew he

14 wasn't there that day?

15 A Yes.

16 Q But even without him there, you did

17 not want to continue working on the 16th?

18 A No.

19 Q Now, did you leave your work area and

20 go outside? Is that what happened?

21 A I left my -- I called for a

22 supervisor to come relieve me. And I went,

23 and I had a conversation with the



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Page 172

1 supervisor. And it was Bruce Cassidy. And I  
2 told him that I could not take this anymore.  
3 **Q And what did Bruce say or do?**  
4 A First I asked Chris Jordan if I was  
5 going to line three since Frank was not  
6 there. And he said, "I need you on line  
7 five." Then I asked Melvin Hutchins. And he  
8 said, "I need you on line five." Then I  
9 asked Ricky Smothers if this was a permanent  
10 position. And he said he didn't know.

11 And then I paged Melvin. And he came  
12 and I asked him was it a permanent position.  
13 And he said he didn't know. I paged Bruce  
14 Cassidy and had him relieve me because I  
15 started crying realizing they were  
16 retaliating against -- they moved me again.  
17 They moved me after Frank did what he did and  
18 they weren't going to get rid of him.

19 **Q After you talked to Bruce -- I mean,**  
20 **at some point, you left the work area and**  
21 **went outside, correct?**

22 A I left the work area and clocked out.  
23 I told them --

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Page 173

1 **Q Was that after you talked to Bruce?**

2 A Yes.

3 **Q Okay. So, you clock out, you go**  
4 **outside. And then Chris Jordan and Melvin**  
5 **Hutchins came outside to talk to you?**

6 A Melvin Hutchins and -- I believe it  
7 was Ricky Smothers.

8 **Q Okay. And they told you that you**  
9 **could come back in an hour and talk to Tommy;**  
10 **is that right?**

11 A Melvin said, "Do me a favor, please,  
12 just leave and come back." And I told him,  
13 no, I was too upset to be driving. And he  
14 said, "Well, just go sit in your car until  
15 Tommy and Mary Ann get here."

16 **Q And is that what you did?**

17 A Yes.

18 **Q And then when Tommy and Mary Ann got**  
19 **there, you went and talked to them; is that**  
20 **correct?**

21 A Yes. Bruce Cassidy -- when I told  
22 him I couldn't take it anymore, he said, "You  
23 know how I feel about it. I don't understand

1 why they do what they do."

2 **Q Motion to strike as non-responsive.**

3 **Now, you met with Tommy Nance and**  
4 **Mary Ann Boyer in the office; is that**  
5 **correct?**

6 A Yes.

7 **Q And did they tell you that the move**  
8 **to line five was permanent?**

9 A Mary Ann told me that she did not  
10 understand why they had not told me it was a  
11 permanent move. They knew it was a permanen  
12 move. And she did not understand why they  
13 had not already spoken to me about that.

14 **Q Let me ask you this: Did you want**  
15 **the move to be permanent or you wanted the**  
16 **move not to be permanent?**

17 A I wanted to be safe. I wanted to be  
18 in the position that I bided for, that I  
19 worked for. And I wanted to work in an  
20 environment that was safe for me. And no  
21 matter where I was in the plant, I would not  
22 be safe. Frank Williams was able to roam in  
23 the plant.

1 **Q So, basically it didn't make any**  
2 **difference what position they put you in?**

3 A Not if he could get to me.

4 **Q What else was discussed during the**  
5 **meeting with Tommy Nance and Mary Ann Boyer**  
6 **on the 16th?**

7 A Mary Ann told me that she was under  
8 the impression from Tommy and Melvin that I  
9 had baited Frank Williams into speaking to me  
10 that way. That ever since I -- ever since  
11 she was at the Dothan plant I had complained  
12 of sexual discrimination, I had a problem  
13 with sexual discrimination, that there wasn't  
14 one mechanic I didn't have a problem with.  
15 She went on to say that I even had a problem  
16 with Donald Coty.

17 **Q Did you have a problem with Donald**  
18 **Coty?**

19 A Yes, ma'am.

20 **Q What problem did you have with Donald**  
21 **Coty?**

22 A Him spitting dip in front of my  
23 machine.

(Pages 174 to 177)

45

Page 174

1 **Q Any other problem with Donald Coty?**  
 2 A Not that I remember right now.  
 3 **Q Did you complain to Mary Ann Boyer**  
 4 **about Donald Coty spitting dip in front of**  
 5 **your machine?**  
 6 A I believe Mark Beard had left Mary  
 7 Ann a voice mail to come out to the line.  
 8 And when Mary Ann came out, she spoke to Mark  
 9 Beard. And then she came to me.  
 10 **Q Was Mark Beard a co-worker, a**  
 11 **supervisor? Who was he?**  
 12 A Another label operator.  
 13 **Q And when Mary Ann came out to the**  
 14 **line, you spoke to her?**  
 15 A Both of us did.  
 16 **Q And what did you tell Mary Ann?**  
 17 A She asked me what I seen. And I  
 18 reported what I had seen.  
 19 **Q Did you tell her you had a problem**  
 20 **with Donald?**  
 21 A I told her that I had a problem with  
 22 Donald spitting tobacco products in a food  
 23 plant.

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1 **Q Do you know what, if anything, was**  
 2 **done?**  
 3 A I don't know.  
 4 **Q Did Mary Ann Boyer tell you that she**  
 5 **could not tell you what action they were**  
 6 **going to take with respect to Frank Williams?**  
 7 A When I asked if he would still be  
 8 employed at Flavor House.  
 9 **Q And she said that they could not tell**  
 10 **you that?**  
 11 A She said, "Yes, he's not terminated."  
 12 **Q Now, during that meeting -- did Tommy**  
 13 **Nance say anything during this meeting or was**  
 14 **it just you and Mary Ann Boyer talking?**  
 15 A It was a mixture of all three. I was  
 16 upset, hysterical crying. I explained to  
 17 Mary Ann that I had been carrying a  
 18 screwdriver in my back pocket.  
 19 **Q Why had you been carrying a**  
 20 **screwdriver in your back pocket?**  
 21 A To defend myself if he was to come  
 22 near me again. I had had it.  
 23 **Q Did you carry -- did you have a**

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1 **screwdriver as part of your job as a label**  
 2 **operator?**  
 3 A In a tool bag.  
 4 **Q Did you carry that tool bag on your**  
 5 **person normally or where did you keep it?**  
 6 A We carried it and put it on our label  
 7 cart on the line.  
 8 **Q When did you begin carrying the**  
 9 **screwdriver in your back pocket?**  
 10 A When Frank Williams threw the pallet,  
 11 threw the bag and calling me "Goddamn mother  
 12 fucker."  
 13 **Q So, after the 14th of June?**  
 14 A The rest of that -- the 14th and the  
 15 13th -- the Thursday and the Friday.  
 16 **Q The incident on the 14th is what**  
 17 **prompted that?**  
 18 A Yes.  
 19 **Q Any other conversation -- well,**  
 20 **strike that.**  
 21 **During the meeting with Mary Ann**  
 22 **Boyer and Tommy Nance, you attempted to**  
 23 **resign by putting your badge on Tommy's desk;**

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1 **is that right?**  
 2 A Yes.  
 3 **Q And this meeting took place in**  
 4 **Tommy's office; is that right?**  
 5 A Yes. It really -- it really wasn't a  
 6 meeting. Nobody was sitting down. It was --  
 7 **Q A conversation?**  
 8 A Yes.  
 9 **Q Okay. And Mary Ann told you that she**  
 10 **didn't want you to quit; is that right?**  
 11 A Yes.  
 12 **Q And she told you to think about it**  
 13 **over the weekend?**  
 14 A Yes.  
 15 **Q Was this on a Friday?**  
 16 A Yes.  
 17 **Q Okay. And did you agree to do that?**  
 18 A I agreed to take my badge back and I  
 19 agreed that I would think about it. But I  
 20 have to have my badge to get out of the  
 21 building.  
 22 **Q Is that why you took your badge**  
 23 **back?**

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1 A Yes.

2 **Q In other words, you weren't really**

3 **going to think about it?**

4 A When she told me that they were going

5 to separate us for three months and that I

6 had baited Frank Williams into treating me

7 that way, at that point in my mind I did not

8 want to come back.

9 **Q So, you had already decided you were**

10 **going to quit?**

11 A I decided that I would take the

12 weekend and think about it, and get my badge

13 that I had to have to get out of the building

14 and leave.

15 **Q So, that's what you did?**

16 A Yes.

17 **Q And then on the following, I guess**

18 **Monday -- you didn't work on the weekends,**

19 **correct?**

20 A That particular weekend I did not.

21 **Q Okay. You weren't scheduled to**

22 **work. So, on your next scheduled work day or**

23 **your next two scheduled work days you called**

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1 **in sick; is that correct?**

2 A Yes.

3 **Q And on the third day you called and**

4 **indicated that you were going to quit?**

5 A I am not sure if it was the third or

6 the fourth day.

7 **Q Okay. So, it may have been after the**

8 **third day?**

9 A (Witness nods head.)

10 **Q Is that a "yes"?**

11 A It may have been.

12 **Q And you spoke to Leigh? Is it**

13 **Allums?**

14 A Allums.

15 **Q Allums. On the day when you quit,**

16 **correct?**

17 A Yes.

18 **Q Did you actually speak to anybody**

19 **other days, or were you just calling in on**

20 **the call-in line?**

21 A You have to call in on the call-in

22 line when you call in sick.

23 **Q So, you had just called the call-in**

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1 **line the first however many days it was you**

2 **called in sick?**

3 A Yes.

4 **Q And when you called the call-in line,**

5 **you left a message? Is that how that worked?**

6 A You leave your name, the department,

7 the date and the time and the reason you will

8 be absent.

9 **Q So, when you called in on the day**

10 **that you quit, you called some other numbers**

11 **to directly talk to Leigh?**

12 A I called Leigh after Leigh left a

13 voice mail for me to -- when I returned to

14 work, Tommy wanted her to call me and tell me

15 when I returned to work to bring a doctor's

16 excuse.

17 **Q Because you had been out for three**

18 **days?**

19 A Yes.

20 **Q And was that the company's policy**

21 **with respect to absences of more than three**

22 **days?**

23 A I believe so.

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1 **Q When you called and talked to Leigh**

2 **on -- was that on the 21st of June when you**

3 **quit?**

4 A I'm not sure of the date.

5 **Q Okay. Well, whenever it was that you**

6 **called and talked to Leigh, what did you tell**

7 **Leigh?**

8 A I told Leigh that I had received her

9 message. And she said that Tommy just wanted

10 a doctor's excuse for me to be able to return

11 back to work. And I told her I was not

12 returning back to work. She asked me why. I

13 told her I quit because I could not work with

14 Frank Williams anymore. I cannot work for a

15 company that defends a convicted sex offender

16 that treats women the way he does. And that

17 I walked around with a screwdriver in my back

18 pocket.

19 **Q Did you have any other conversation**

20 **with -- what was Leigh's response to that?**

21 A "I'm sorry. I'll tell him." And,

22 "Well, you know I'll probably see you later."

23 **Q Any other conversation with Leigh**

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1 during that call?  
 2 A Not that I can remember.  
 3 Q Now, other than what you've already  
 4 gone over today with me, is there any other  
 5 conduct that you're claiming that Frank  
 6 Williams engaged in that was sexually  
 7 harassing towards you?  
 8 A His language, his sex stories.  
 9 Q When you say his sex stories, this is  
 10 what you were talking about earlier about the  
 11 comments you told me he made about his wife  
 12 cheating and that testimony that you gave  
 13 earlier, correct?  
 14 A Yes.  
 15 Q Okay. What I'm trying to do, and we  
 16 can certainly go back through all of it if  
 17 you would like to. I'm trying to, rather  
 18 than have us go back through all of the  
 19 testimony you've already given, is just ask  
 20 you if there is anything you haven't told me  
 21 about that Frank Williams did to you that you  
 22 claim was sexual harassment?  
 23 A He had a habit of -- when Frank

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1 talks, he touches you. And continuously I  
 2 told him not to touch me. Stop touching me.  
 3 He had a habit of calling females  
 4 girlfriend. I told him not to call me  
 5 girlfriend.  
 6 Q Anything else?  
 7 A Just the threats, the harassment, the  
 8 throwing, the cussing, the stares, him  
 9 standing in front of my machine just glaring  
 10 at me.  
 11 Q And you are talking about on those --  
 12 on that last -- on the 15th, I guess? On  
 13 June 15th?  
 14 A He did it two days in a row. The day  
 15 of the incident and the next day.  
 16 Q Okay. So, June 14th and 15th.  
 17 Okay. We've discussed that. Any other  
 18 staring that we haven't discussed?  
 19 A Not that I am aware of.  
 20 Q All right. Any other throwing other  
 21 than what we've already discussed. You claim  
 22 that he was throwing pallets on top of each  
 23 other and he threw a bag of cans on June 14th

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1 and then you testified earlier to can  
 2 throwing back during the training session.  
 3 Was there any other throwing --  
 4 A It wasn't pallets on top of each  
 5 other.  
 6 Q Okay.  
 7 A It was one pallet picking it up and  
 8 throwing it.  
 9 Q Okay. Any other throwing incidents  
 10 that we haven't discussed?  
 11 A Not that I can remember right now.  
 12 Q When he threw the pallets, was he  
 13 throwing it at you?  
 14 A In my direction. There was a table  
 15 in between us.  
 16 Q Did it hit you?  
 17 A The table prevented it from hitting  
 18 me.  
 19 Q So, it hit the table?  
 20 A The legs.  
 21 Q It hit the legs of the table?  
 22 A He was picking the pallet up and  
 23 throwing it. And the table is right there,

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1 and I'm to the right of the table. And  
 2 hollering, "Goddamn mother fucker."  
 3 Q I'm just trying to envision this. He  
 4 throws the pallet, it hits the legs of the  
 5 table; is that correct?  
 6 A The legs are higher (indicating).  
 7 Q Okay.  
 8 A There is no table tops like this.  
 9 The table is up here, the table top  
 10 (indicating).  
 11 Q Okay. And the pallet hits the legs  
 12 of the table?  
 13 A Hitting -- it was in my direction  
 14 hitting the table, yes.  
 15 Q What about when he threw the bag of  
 16 cans? Did he throw that at you?  
 17 A Yes. And the table stopped it, the  
 18 top of the table.  
 19 Q All right. Any other throwing  
 20 incidents that we haven't discussed?  
 21 A Not that I can remember right now.  
 22 Q All right. We've talked about the  
 23 threats that Leigh Taylor talked to you



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1 about.

2 A Yes.

3 **Q And you testified to a bunch of**  
4 **comments that you didn't like. Are there any**  
5 **other threats that you're complaining about?**

6 A I'm not sure. There's so much. It's  
7 hard for me -- things come up and I have  
8 flashbacks of certain things. Something will  
9 jog my memory, and I will remember it.

10 **Q Any other threats that you can**  
11 **remember?**

12 A No.

13 **Q Any other threats that you included**  
14 **on a documentation form at Flavor House?**

15 A Not unless it's in my personnel file  
16 or if I have any anywhere else that I'm not  
17 aware of.

18 **Q On the occasion that you heard or**  
19 **heard about a threatening remark that Frank**  
20 **made, did you always record that on a**  
21 **documentation form?**

22 A I always tried to get copies or make  
23 a copy.

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1 **Q Well, I guess I'm saying, were there**  
2 **any occasions where you either heard or heard**  
3 **about threatening remarks by Frank Williams**  
4 **that you did not write out a documentation**  
5 **form?**

6 A This was not always in process.

7 **Q Okay. After those became --**

8 MS. ROBERTSON: She was pointing to  
9 Defendant's 14.

10 MS. SWAIN: Right.

11 **Q You're saying that this particular**  
12 **form, like Exhibit 14, was not always one**  
13 **that they used, right?**

14 A We never had one until these  
15 became --

16 **Q And at some point they started using**  
17 **those?**

18 A Everything was verbal.

19 **Q Okay. After they started using the**  
20 **documentation forms, were there ever any**  
21 **times that there were any threatening**  
22 **comments by Frank Williams that you either**  
23 **heard or heard about that you did not include**

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1 **on a documentation form?**

2 A I'm not sure.

3 **Q Now, you've indicated that Frank**  
4 **calls -- refers to females as girlfriends and**  
5 **you asked him not do that; is that correct?**

6 A Yes.

7 **Q Were you offended by Frank using that**  
8 **term "girlfriend" when he talked to women.**

9 A Girlfriend and bitches.

10 **Q Okay. I'm talking about girlfriend**  
11 **right now. We'll get to bitches some other**  
12 **time. Were you offended by him using the**  
13 **term "girlfriend"?**

14 A I was offended that he talked to me  
15 the way he talked to me and then at the end  
16 referred to girlfriend or at the same time  
17 touching me.

18 **Q Let's just do one thing -- take one**  
19 **thing at a time, okay? I'm trying to figure**  
20 **out, did you find the term "girlfriend"**  
21 **offensive?**

22 MS. ROBERTSON: Object. She's  
23 answered that.

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1 A I offended -- everything about Frank  
2 Williams offensive.

3 **Q Okay. So, that would be a "yes"?**

4 A Yes.

5 **Q When you say Frank would touch you**  
6 **when he talked, where would he touch you?**

7 A On your arm.

8 **Q On your lower arm up here or on the**  
9 **shoulder?**

10 A He touches you. He just touches you  
11 to get your attention.

12 **Q Like a tap-tap kind of touch or like**  
13 **while he is --**

14 A Just continuous, aggravating.

15 **Q The whole time he's talking to you he**  
16 **is sitting there doing this (indicating)?**

17 A Yes. If he wants your attention.

18 **Q And, again, he's doing that onto the**  
19 **upper part of your arm?**

20 A Yes.

21 **Q Did Frank Williams ever touch you in**  
22 **any other way other than that?**

23 A No.

(Pages 190 to 193)

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Page 190

1 **Q Did Frank ever ask you on a date?**

2 **A No.**

3 **Q Did Frank ever proposition you for**  
4 **sex?**

5 **A No.**

6 **Q And did Frank ever ask you about your**  
7 **sex life?**

8 **A No.**

9 **Q Did you ever talk to Frank about your**  
10 **sex life?**

11 **A No.**

12 **Q Did you ever talk about your sex life**  
13 **at work with other people than Frank?**

14 **A No.**

15 **Q Now, you indicated earlier that**  
16 **Frank's wife worked at the plant; is that**  
17 **right?**

18 **A The first or the second?**

19 **Q Well, he married a woman who worked**  
20 **at the plant, correct?**

21 **A Yes.**

22 **Q Okay. Did his first wife work at the**  
23 **plant?**

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1 **A At one time.**

2 **Q Did she work there while you were**  
3 **working there?**

4 **A Yes.**

5 **Q Was she still working there when she**  
6 **and Frank got divorced?**

7 **A No. She wasn't there very long.**

8 **Q Okay. And then his second wife was**  
9 **still working at the plant when you left; is**  
10 **that correct?**

11 **A Yes. I don't believe they were**  
12 **married at the time.**

13 **Q They weren't married when you left?**

14 **A No.**

15 **Q Were they dating?**

16 **A Yes.**

17 **Q All right. Any other conduct by**  
18 **Frank or comments by Frank that you're**  
19 **complaining about as being sexual harassment**  
20 **than what we have already gone over here?**

21 **A Not that I can remember.**

22 **Q Was there any conduct that you are**  
23 **complaining of -- strike that. Let me try**

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1 **that again.**

2 **Are you claiming that you were**  
3 **sexually harassed at Flavor House by anyone**  
4 **other than Frank Williams?**

5 **A Yes.**

6 **Q Okay. Who else at Flavor House**  
7 **sexually harassed you?**

8 **A The -- not -- sexual discrimination**  
9 **by not protecting me.**

10 **Q All right. We're going to talk about**  
11 **that too, the sexual discrimination**  
12 **allegations that you have. But separate from**  
13 **that, I'm trying to figure out if there is**  
14 **anyone else other than that that you think**  
15 **sexually harassed you.**

16 **MS. ROBERTSON: Well, object.**

17 **A I'm not quite sure what you --**

18 **MS. ROBERTSON: You're asking her to**  
19 **make a distinction between sex discrimination**  
20 **and sexual harassment that nine of the 11th**  
21 **Circuit can't make, so I really don't think**  
22 **that's helpful for you to cut her off.**

23 **MS. SWAIN: I didn't cut her off. I**

Page 193

1 **asked the question.**

2 **Q Is there anybody else that you're**  
3 **claiming sexually harassed you at Flavor**  
4 **House?**

5 **MS. ROBERTSON: Object.**

6 **A I'm claiming Flavor House harassed me**  
7 **by not protecting me, by merely slapping his**  
8 **hand and writing me up or coming where I**  
9 **couldn't even protect myself after several**  
10 **complaints, that I had to go home and write a**  
11 **resume to prove my experience as being**  
12 **mechanically inclined after begging for a**  
13 **year to get the opportunity to run a label**  
14 **machine, after they hired men off the street**  
15 **to run them.**

16 **And I was already employed there.**  
17 **But I had to go home and prove that I had at**  
18 **least eighteen months mechanical experience**  
19 **to even get a shot at the position.**

20 **Q Anything else that you are claiming**  
21 **was sexual harassment?**

22 **MS. ROBERTSON: Object.**

23 **A The way I was treated by management,**

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1 by the good old boy system.  
 2 **Q Okay. Anything else specific that**  
 3 **you're talking about that you're claiming was**  
 4 **sexual harassment in your lawsuit against**  
 5 **Flavor House?**  
 6 A Not right now.  
 7 **Q Now, you claim that you were asked to**  
 8 **write up a resume before you became a label**  
 9 **operator; is that correct?**  
 10 A Yes.  
 11 **Q Okay. Who was it that asked you to**  
 12 **give a resume?**  
 13 A Melvin Hutchins, Kenneth Tew.  
 14 **Q When did that occur?**  
 15 A Before I was able to get on the label  
 16 machine.  
 17 **Q So, some time before you were a label**  
 18 **operator; is that correct?**  
 19 A Yes.  
 20 **Q You indicated -- look on Exhibit 15**  
 21 **if you would, here at the beginning of it.**  
 22 **Look, if you would, to the second page of**  
 23 **that document, the first full paragraph. It**

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1 **says, "During my first year of employment, I**  
 2 **repeatedly tried to get a promotion to label**  
 3 **operator."**  
 4 **Do you see that?**  
 5 A Yes.  
 6 **Q Is this what you're telling me about**  
 7 **right now?**  
 8 A Yes.  
 9 **Q And did that occur during your first**  
 10 **year of employment?**  
 11 A Yes.  
 12 **Q So, that was back in 2001?**  
 13 A Yes.  
 14 **Q And after you brought the resume, did**  
 15 **you, in fact, receive a label operator**  
 16 **position?**  
 17 A Yes. Temporarily I was told to see  
 18 how I performed.  
 19 **Q And based on your performance, were**  
 20 **you allowed to remain in that position?**  
 21 A Yes.  
 22 **Q And so did you remain a label**  
 23 **operator from that time until the time that**

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1 **you left Flavor House?**  
 2 A Yes.  
 3 **Q Now, you indicate during your charge**  
 4 **that you were passed over several times**  
 5 **before you became a label operator by other**  
 6 **people. Do you see that?**  
 7 A Yes.  
 8 **Q Who were you passed over by?**  
 9 A I don't know their names. There were  
 10 numerous ones through Personal Resource.  
 11 **Q So, temporary employees?**  
 12 A Temporary employees or people that  
 13 come -- was hired.  
 14 **Q Regular employees?**  
 15 A Yes.  
 16 **Q Were you a regular employee at that**  
 17 **time?**  
 18 A Yes.  
 19 **Q But you don't recall the name of**  
 20 **anybody that received a label operator**  
 21 **position before you did during your first**  
 22 **year of employment?**  
 23 A I recall -- one was nicknamed Keesi.

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1 I don't know their names.  
 2 **Q Okay. How many label operators --**  
 3 **you were on -- is the day shift considered**  
 4 **first shift?**  
 5 A Yes.  
 6 **Q So, you were a first shift employee?**  
 7 A Yes.  
 8 **Q How many label operators were there**  
 9 **on first shift?**  
 10 A I'm not sure how many is on first  
 11 shift. At the time -- at the beginning of my  
 12 employment or --  
 13 **Q Say at the time you left Flavor**  
 14 **House. Would there be a label operator on**  
 15 **each line?**  
 16 A Yes.  
 17 **Q And how many -- were there five lines**  
 18 **or were there more than that?**  
 19 A There were five lines.  
 20 **Q So, were there five label operators?**  
 21 A Or more.  
 22 **Q So, at least five on each shift?**  
 23 A Yes. I'm not sure there was five on

Page 198

1 the other shifts.

2 **Q Do you know who the other label**  
3 **operators were at the time that you left**  
4 **Flavor House?**

5 A Yes.

6 **Q Who were they?**

7 A I knew at the time I left.

8 **Q Oh. I mean, do you know now? Do you**  
9 **know who the people were in that position at**  
10 **the time you left? Are you currently aware**  
11 **of who those people are?**

12 A Mark Beard was one of them, Joanie  
13 was one of them.

14 **Q I'm sorry?**

15 A Joanie.

16 **Q Joanie? Is it Joanie Nickerson?**

17 A I'm not sure of her last name.

18 **Q Okay.**

19 A Vicki Cook, Frank Williams.

20 **Q Was he not a team leader at the time**  
21 **you left?**

22 A He was also a label operator.

23 **Q He was considered a label operator to**

Page 199

1 **you?**

2 A He relieves the label operators for  
3 breaks.

4 **Q Okay. But I'm talking about the**  
5 **people who were like in the regular label**  
6 **operator positions.**

7 A I'm not sure of who was on line two  
8 at the time.

9 **Q What line was Mark Beard on?**

10 A At that time, he was on line four.

11 **Q What about Joanie?**

12 A I believe -- I'm not sure. She was  
13 either on two or five.

14 **Q What about Vicki?**

15 A She was on line one.

16 **Q And you had been on line three?**

17 A Yes.

18 **Q And do you know who the other person**  
19 **was that -- I think you said Joanie was**  
20 **either on two or five. Do you know who was**  
21 **the other person that was on the one she**  
22 **wasn't on?**

23 A I don't remember right now. I don't.

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1 **Q Do you know who replaced you as label**  
2 **operator on line three?**

3 A I'm not certain on that. I've been  
4 told different things.

5 **Q Okay. You claim that a male employee**  
6 **or employees make comments about you working**  
7 **in a man's job; is that correct?**

8 A Yeah.

9 **Q Who made that comment?**

10 A David Wilkerson.

11 **Q What is his position?**

12 A Mechanic.

13 **Q When did he make that comment?**

14 A When I received the position on line  
15 three.

16 **Q Was he on line three?**

17 A No.

18 **Q Do mechanics work on a particular**  
19 **line?**

20 A They were supposed to.

21 **Q And what line was he on?**

22 A I believe he was on line five.

23 **Q And what was the conversation or was**

Page 201

1 **there any conversation that led up to that?**  
2 **Was there anything -- were you having a**  
3 **conversation with him?**

4 A No. When he saw me on line three, he  
5 came over and asked me what were they doing  
6 putting a woman in a man's position.

7 **Q What did you say?**

8 A "You need to leave."

9 **Q And what did he say?**

10 A He just laughed and walked off.

11 **Q Well, you had already been a label**  
12 **operator before that, correct?**

13 A Yes.

14 **Q Was there any difference between**  
15 **being a label operator on line one and being**  
16 **a label operator on line three in terms of it**  
17 **being a, quote, "man's position"?**

18 A I guess just their mentality. I  
19 don't know.

20 **Q Did anybody, other than David**  
21 **Wilkerson, ever make a comment to you about**  
22 **working in a man's job?**

23 A I had to fight for the job not like



Page 202

1 the men.  
 2 **Q I'm just asking if anybody made the**  
 3 **comment to you besides David Wilkerson about**  
 4 **working in a man's job.**  
 5 A Not working in a man's job.  
 6 **Q Now, you complain as well that**  
 7 **mechanics would come and work on your machine**  
 8 **or make adjustments if it took longer than**  
 9 **five minutes for you to make an adjustment on**  
 10 **your machine?**  
 11 A Yes.  
 12 **Q And that bothered you?**  
 13 A Yes.  
 14 **Q Any other complaints you have of sex**  
 15 **discrimination?**  
 16 A Yes.  
 17 MS. ROBERTSON: Object.  
 18 **Q Okay. What else?**  
 19 A The way I was treated at Flavor  
 20 House, the way with the pay scale. I had to  
 21 keep on top of the pay scale. I had to take  
 22 level one, two, three, four to become a level  
 23 four operator compared to people that were

Page 203

1 just assigned as level four. Men that were  
 2 assigned to be a level four without taking a  
 3 test.  
 4 **Q All right. Let's maybe back you up a**  
 5 **little bit.**  
 6 **Flavor House had a pay-for-skills**  
 7 **program; is that correct?**  
 8 A Yes, ma'am.  
 9 **Q And part of that program was that you**  
 10 **would get a higher rate as you are able to**  
 11 **demonstrate a higher skill level; is that**  
 12 **correct?**  
 13 A Yes, ma'am.  
 14 **Q And to go from one skill level to**  
 15 **another, in terms of pay, you had to take a**  
 16 **test; is that right?**  
 17 A Yes, ma'am.  
 18 **Q And generally you had to wait at**  
 19 **least six months between taking one test and**  
 20 **taking the next one; is that right?**  
 21 A Yes, ma'am.  
 22 **Q Okay. And at some point, you**  
 23 **appealed to Tommy Nance for level four pay;**

Page 204

1 **is that correct, saying that you should be**  
 2 **receiving level four pay?**  
 3 A I was already receiving level four  
 4 pay.  
 5 **Q Then what were you complaining about?**  
 6 A Because your raise depends on what  
 7 level you are.  
 8 **Q So, you were just appealing a raise?**  
 9 A I was appealing the fact that I had  
 10 to take the test to be a level four when the  
 11 man beside me that did the same skills that I  
 12 had done did not have to take a test.  
 13 **Q Well, didn't you take the test after**  
 14 **you appealed -- didn't you take the test**  
 15 **after you appealed to Tommy Nance?**  
 16 A When this procedure came out about  
 17 the levels, it was up to management to decide  
 18 what level you were already. They placed you  
 19 at a certain level.  
 20 You did not just -- everyone did not  
 21 just become a level one and now you have to  
 22 work your way up to a level four. It became  
 23 like, well, you're a one, you're a four or

Page 205

1 you're a two.  
 2 **Q Okay. My question was, didn't you**  
 3 **take the test after you had appealed to Tommy**  
 4 **Nance about your pay?**  
 5 A I would have to see that appeal. I  
 6 believe I appealed to be a level four.  
 7 **Q Right.**  
 8 A Without taking a test as the man  
 9 standing working beside me did not have to  
 10 take a test and he was already a level four.  
 11 **Q Who was the man standing beside you?**  
 12 A Mark Beard.  
 13 **Q And how do you know whether Mark**  
 14 **Beard took a test?**  
 15 A He told me he didn't have to take the  
 16 test. He was a level four.  
 17 **Q Do you know whether he had taken the**  
 18 **test before he became a level four?**  
 19 A I don't know.  
 20 **Q Anybody else that you --**  
 21 A I'm sorry.  
 22 **Q Anybody else that you claim did not**  
 23 **have to take a test to receive a higher pay**

Page 206

1 level?

2 A Not that I recall. I need to correct  
3 myself.

4 **Q Okay.**

5 A I believe I appealed the fact that I  
6 was put at a level one label operator,  
7 therefore I would have to take all four  
8 tests. If Mark was a label two, three,  
9 four -- if he was a three, he only had to  
10 take one test. Whereas I would have to take  
11 all four tests.

12 **Q Okay. And is it your allegation that**  
13 **Mark Beard didn't have to take any tests to**  
14 **become -- well, strike that.**

15 **Is it your allegation that Mark Beard**  
16 **didn't have to take all four tests to become**  
17 **a level four?**

18 A Mark Beard had told me that he hadn't  
19 -- he was already either a level three or  
20 level four. There were tests that he could  
21 skip over because they had put him --  
22 assigned him at a higher level.

23 **Q And your knowledge of that is based**

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1 on what Mark Beard told you?

2 A Yes.

3 **Q I'm going to show you what I have**  
4 **marked as Defendant's Exhibit 16, and ask you**  
5 **if that is your appeal relating to your pay.**

6 (Defendant's Exhibit  
7 No. 16 was marked for  
8 identification).

9 **Is that what Exhibit 16 is?**

10 A An appeal?

11 **Q Correct. Of what you were being**  
12 **paid.**

13 A Yes.

14 MS. ROBERTSON: Object.

15 A Not paid.

16 **Q Of what level operator you were going**  
17 **to be classified as?**

18 A From the beginning.

19 **Q Which affected your pay, right?**

20 A Eventually it would.

21 **Q Was it affecting your pay at the time**  
22 **that you submitted Exhibit 16?**

23 A No.

Page 208

1 **Q In other words, did you feel like you**  
2 **should have been getting a higher level of**  
3 **pay at the time you did this document?**

4 A I felt like I shouldn't have to take  
5 tests after I have already taken the tests  
6 with the experience. I had already taken the  
7 tests with the experience of all the machines  
8 I ran, including training an employee, which  
9 was the last test to do, which was to train  
10 an employee.

11 **Q But there were actually written tests**  
12 **for each level, right?**

13 A Level one, level two, level three.

14 **Q And there was a written test for**  
15 **level four as well, correct?**

16 A Part of the test was being able to  
17 train another employee and them being able to  
18 function on their own.

19 **Q Let me make sure I understand that.**  
20 **You're saying that to become a level four,**  
21 **part of it was what you could do to**  
22 **demonstrate by actually doing the job and**  
23 **part of it was a written test?**

Page 209

1 MS. ROBERTSON: Object.

2 A I'm not sure. Like I said, I had to  
3 take all of them.

4 **Q And your allegation was that you**  
5 **should have been placed directly in level**  
6 **four?**

7 A By either the -- do you have the  
8 standards -- by the standards that they had  
9 on level one, two, three and four. I had  
10 already reached that standard.

11 **Q So, the answer is yes, you thought**  
12 **they should have put you directly in level**  
13 **four, correct?**

14 A I was already making level four pay.

15 **Q Do you not understand the question**  
16 **I'm asking? Are you claiming they should**  
17 **have put you directly into level four?**

18 A Yes.

19 **Q Okay. And this is not an issue**  
20 **you're saying as to what you were being paid**  
21 **at that time, but your concern was that**  
22 **somewhere down the line it might affect your**  
23 **pay?**

Page 210

1 A Management encouraged me to -- I  
2 wasn't going to take the test. Management  
3 encouraged me that I needed to take the test  
4 because I was just getting a lump sum check  
5 every year. The others would get a raise. I  
6 would get a lump sum check. I didn't feel  
7 like there was anything wrong with that until  
8 it was explained to me in the office that it  
9 would make a difference with the cost of  
10 living raise.

11 **Q So that you would make more if you**  
12 **were in --**

13 A Eventually.

14 **Q -- a level four?**

15 A In the long run, eventually I would.

16 (Defendant's Exhibit

17 No. 17 was marked for  
18 identification).

19 **Q Let me show you what I am going to**  
20 **mark as Defendant's Exhibit 17 and ask if**  
21 **that's a copy of the pay-for-skill policy or**  
22 **program?**

23 **Is Exhibit 17 a copy of the pay-for-**

Page 211

1 **skill program that was in place?**

2 A This is -- I believe this is  
3 something they hung up in the hallway.

4 **Q Okay.**

5 A When they started the levels.

6 **Q When was it that they started that**  
7 **pay-for-skill program?**

8 A I'm not for sure.

9 **Q Let me ask you this. On looking at**  
10 **this document, the labeler part of this over**  
11 **here, if you can see the middle, towards the**  
12 **right side. Is that the part that would**  
13 **apply to you?**

14 A Labeler, yes.

15 MS. SWAIN: All right. Let's take a  
16 break.

17 MS. ROBERTSON: Can we like take a  
18 break until later?

19 MS. SWAIN: Y'all don't want to go a  
20 little bit longer?

21 MS. ROBERTSON: Well, if I wanted to  
22 go a little bit longer, I wouldn't say can we  
23 stop now? But I will go a little bit longer.

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1 Obviously -- you know, but that's fine.

2 MS. SWAIN: I tell you what, let's  
3 take a quick break and let me make sure I am  
4 clear on this particular area and then we'll  
5 stop.

6 THE VIDEOGRAPHER: The time is 3:57.  
7 This ends videotape number four and we are  
8 off the record.

9 (BREAK TAKEN).

10 THE VIDEOGRAPHER: The time is 4:11.

11 This is the beginning of tape number five.

12 We are back on the record.

13 **Q (By Ms. Swain) All right. Ms.**

14 **Thornton, I think I understand now what it is**  
15 **that you're complaining about. So, let me**  
16 **try this one more time.**

17 A Okay.

18 **Q At some point, all of the employees,**  
19 **including the operators, were placed in a**  
20 **particular skill level, one, two, three or**  
21 **four; is that correct?**

22 A Yes, ma'am.

23 **Q By management?**

Page 213

1 A Yes, ma'am.

2 **Q And what you were complaining about**  
3 **was the skill level that was selected for you**  
4 **which was one?**

5 A Yes, ma'am.

6 **Q Is that right?**

7 A Yes, ma'am.

8 **Q Okay. And Frank Beard was placed at**  
9 **a skill level that was higher than -- I'm**  
10 **sorry. Mark Beard was placed at a skill**  
11 **level that was higher than you were?**

12 A Yes.

13 **Q And you felt -- that's what you were**  
14 **complaining about?**

15 A Well, not only Mark Beard, but just  
16 myself.

17 **Q That you felt like you should have**  
18 **been at a higher level?**

19 A According to their own level skills.

20 **Q Okay. And so that's why you filed**  
21 **the appeal that we went over?**

22 A Right. And they --

23 **Q And in response to that, you received**

Page 214

1 what I'm about to mark as Defendant's Exhibit  
2 18; is that correct?

3 (Defendant's Exhibit  
4 No. 18 was marked for  
5 identification).

6 A Yes.

7 Q Okay. And so what they did was  
8 instead of making you wait six months between  
9 taking the test, they said you can just go  
10 ahead and take all the tests and go straight  
11 to level four if you pass all the tests; is  
12 that right?

13 A Yes.

14 Q And you did that?

15 A I had no choice, yes.

16 Q I mean, you took all the tests and  
17 you passed all the tests?

18 A Yes.

19 Q And so then you were placed as a  
20 level four?

21 A Yes.

22 Q Okay. And do I understand correctly  
23 that because at the time they assessed what

Page 216

1 with what skill level each person was going  
2 to be in?

3 A I'm not sure a list was posted. If  
4 there was, I don't recall it.

5 Q Okay. Your recollection is that you  
6 were just told at some time you were going to  
7 be a level one?

8 A I believe so. I remember asking  
9 Fannie about level one, why am I a level  
10 one. And her response was she had nothing to  
11 do with it.

12 Q Okay.

13 A And that Melvin made the decision of  
14 who was what level.

15 Q Okay. And at some point, did Mary  
16 Ann Boyer suggest to you that you should take  
17 these written tests so that you could become  
18 a level four?

19 A That's what they were all telling  
20 me. But what I was trying to say is, where  
21 does a level one come from? Where do you get  
22 that I'm a level one? I've already proven  
23 all of these things. Why would I have to

Page 215

1 skill level you were going to be in, your pay  
2 was already higher than others in your  
3 position, that this didn't actually affect  
4 your pay at this time, correct?

5 A Correct. What it affected was me  
6 having to take time out to do these tests and  
7 prove something to them that I had been doing  
8 for quite some time.

9 Q Okay.

10 A And also something about the -- well,  
11 the percentage raise. It would be more of a  
12 percentage raise once a year.

13 Q Instead of the lump sum?

14 A The lump sum. The percentage raise  
15 would eventually be more than the lump sum  
16 ended out to be.

17 Q Do you recall when it was that you  
18 and others were placed in a particular skill  
19 level?

20 A No.

21 Q Okay. And that was done for  
22 everybody all at one time, correct?  
23 Everybody was placed -- a list was posted

Page 217

1 take a test to prove when other folks were  
2 immediately a level higher?

3 Q Were you aware that even the people  
4 who were put at higher levels still had to  
5 take the test within a certain time frame or  
6 else they would lose their level?

7 A Not all the tests they was not. Say,  
8 if I was told if you were placed at a level  
9 three, you would have to take the level  
10 four. Whereas if I was placed at a level  
11 one, I would have to take two, three and  
12 four.

13 Q Okay. Other than Mark Beard, do you  
14 know what level any of the other operators  
15 were placed in?

16 A I did at the time, but I don't recall  
17 now.

18 Q And Mark Beard you said was placed at  
19 what level?

20 A I believe he said three or four.

21 Q All right. And are you claiming that  
22 you were placed as a level one because of  
23 your gender?



Page 218

1 A I believe so.

2 **Q Okay. And what is it that makes you**

3 **think that your gender is what caused you to**

4 **be placed in level one?**

5 A Because I had already proven my

6 skills. I had already had the skills. If I

7 had the level -- they have a paper on levels

8 one, two, three and four what the requirement

9 is. I had already made the requirements.

10 **Q So, you disagreed with the assessment**

11 **basically?**

12 A I disagreed with the assessment.

13 **Q Is there anything else that makes you**

14 **think that their placing you in level one was**

15 **because of your gender?**

16 A I had the skills. And if there was,

17 there was not an answer that was given to me.

18 **Q Okay.**

19 A Because I asked.

20 **Q I'm just trying -- I understand that**

21 **you thought you should have been placed at a**

22 **different level. I'm just asking you was**

23 **there anything else that makes you think that**

Page 219

1 **gender was the motivating factor for that**

2 **decision?**

3 A Other than the fact that I had to

4 fight to get the label operator position and

5 have to write a resume to even get a label

6 operator position. And then after

7 accomplishing the skills, still having to

8 continue to prove my skills.

9 **Q Okay. Anything else?**

10 A No.

11 **Q Do you know who made the decision**

12 **about what level you would be placed in?**

13 A I was told that it was Melvin

14 Hutchins.

15 **Q Who told you that?**

16 A Fannie Ash.

17 MS. SWAIN: Okay. All right. This

18 is probably a good stopping point to stop for

19 today. And then we'll pick up again.

20 THE VIDEOGRAPHER: The time is 4:17.

21 This is the end of tape number five and we

22 are off the record.

23 (DEPOSITION WAS RECESSED AT THIS TIME).

Page 220

1

2 CERTIFICATE

3

4 STATE OF ALABAMA )

5 JEFFERSON COUNTY )

6

7 I hereby certify that the above

8 and foregoing deposition was taken down

9 by me in stenotype, and the questions and

10 answers thereto were reduced to computer

11 print under my supervision, and that the

12 foregoing represents a true and correct

13 transcript of the deposition given by

14 said witness upon said hearing.

15

16 I further certify that I am

17 neither of counsel nor of kin to the

18 parties to the action, nor am I in

19 anyway interested in the result of said

20 cause.

21

22

23 Cathy A. DeBardeleben, Commissioner

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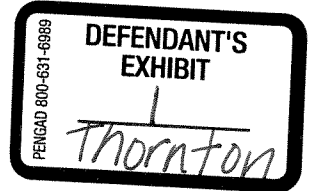
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## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: \_\_\_\_\_ Date: 03/31/05

Present: \_\_\_\_\_

Who was involved: F. Ash | Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 03

Where did it take place: \_\_\_\_\_

When did it take place (time and day): \_\_\_\_\_

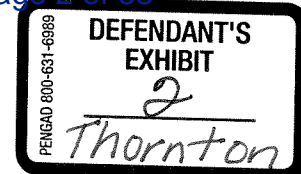
What happened: I feel like F. Ash is deliberately  
knit picking with me. I have tried to ignore  
this, even though my co-workers have been saying  
so for a couple of months now. Singling me out  
about breaks, clean-up, disappearing off the line  
vacation days, insisting that I clean up after all  
other people. This harassment has increased since  
I have spoken to Maryann about other issues. I have  
went thru the chain of command on all matters.  
The situation is increasingly getting worse.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.





**Harass; to tire out by continual efforts.**  
**Harass; to worry or annoy with repeated attacks.**  
**Harass; to annoy persistently.**

**On March 24,2005 I went to the human resource office requesting to speak to Maryann. Realizing that there were visitors, and that this would be an inconvenient time for her to meet with me, therefore I then requested that Vera leave a voice message for Maryann. March 25,2005 was a paid holiday off. March 28,2005 was a paid vacation day for myself.**

**On March 29,2005 Maryann came to line one to the label machine to speak to me. At this time Maryann listened to my concerns and complaints. Assuring me that she would look into the matter at hand. Later that day, Melvin came to me, informing myself that I did have legitimate concerns. Apologizing for the vacation that was denied due to that Fannie Ash was off. Stating that this should not have happened. At this time, I then stated to Melvin that I was sure that speaking to Maryann would anger some as it has in the past. He once again informed me that I had legitimate complaints and had done the right thing.**

**On March 30,2005 before going to first break, Fannie stopped me at line one, between the filler and label machine. She then stated "Do you see those eight oz brushes at the sink?" I then stated "I see those twelve or sixteen ounce brushes" then I replied "that were left there on my day off by others." Fannie then replied "whatever, clean them before you leave."**

**Later that day, I had went to the restroom passing Fannie in the hall way. When our line was down, the filler operator asked if the whole line could go to break. Fannie stated "yes." She then walked over to the outer side of the tunnel, hollering at me that I had already had my break right? I looked at Fannie confused asking "what?" She then did a hand motion pointing to the front, referring to seeing me in the hallway. Instead of getting angry, I just laughed and said "no."**

**Well aware of certain incidents in the past that occurred after voicing my opinion, or using the proper chain of command; I have encountered certain attitudes from certain individuals. I feel that this was the case then, and that this is the case now.**

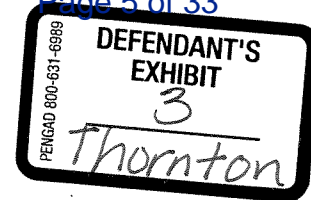
**Therefore, I spoke to Melvin with my concerns. I informed him that I felt like Fannie was angry at me for talking to Maryann. I informed Melvin that I felt like she was knit picking with me. Melvin said he would talk to her. I then requested that he just wait. Thinking that she might stop, and that in the past it only made things worse.**

**On March 31,2005 Fannie called me upstairs, as she had others. One by one she had a meeting with us. During the meeting with myself , she had spoke about the issues of production, and the waste issues. Fannie then informed me that she never saw me sweeping, that she had noticed that when the line goes down, that I disappear. She then informed me that I did not need to stand at the label machine ,if the machine was running good. She then informed me that I need to be helping others out on the line. She then also informed me not to be warming my food before clocking out for break. She then informed me that She knew I didn't want to clean those brushes. Last but not least, she informed me that it had been said that someone had Stated "its not my job, when it comes to running the soak tests" She then stated that "you never know when your job could be displaced."**

**I asked Fannie "why are you so determined about me cleaning those brushes instead of whose responsible?" She then stated "because I asked you to." "I then told her that I thought that it was out of pure meanness." I did clean the brushes. I know That Fannie was doing this out of spite.**

**The statements that Fannie made about breaks, cleaning, helping others, and disappearing off the line are so far from the facts. I tried thinking that Fannie was having this speech with everyone on the line. When the others said she did not , that's when I realized and feel like she is once again knit picking with me.**

**I receive points when late, which I do not argue about. What I argue about is the issue of others not getting points when late. I also have had issues about the break schedule. The ones that come in later go to break first. I have had to go to Sammy to get a vacation day. There Is a difference in how certain ones are treated. And there is a certain Way of attitude once one speaks out in the chain of command.**

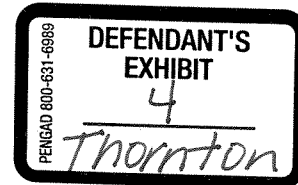


March 31, 2005

Statement of Linda Thornton:

Fannie had individual meetings with her employees but did not have a meeting with Linda. (has done this in the past). Linda feels like Fannie is always picking on her. Fannie talked to Linda on March 31 about line efficiency, waste and Fannie questioned Linda about why she did not clean some brushes that Fannie has asked her to clean the day before. Linda asked Fannie "why do you want me to clean up night shift's mess?" Fannie responded by saying "because I asked you to" Fannie also told Linda not to stay at the label machine all of the time, to help other people. Fannie told Linda that she disappears all of the time and never sweeps up. Fannie talked to the other employees about safety and the new filler. Other employees on the line are always telling Linda that Fannie is "out to get her" Linda forgot to clean the brushes but will clean them today. Linda talked to MaryAnn on March 29 and feel like Fannie has been picking on her worse since then.





## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris Jordan Date: 4-12-06

Present: \_\_\_\_\_

Who was involved: Kim Perkins

Witness (s): \_\_\_\_\_

Date of incident: 4-12-06Where did it take place: line 1 label machineWhen did it take place (time and day): 10:58

What happened: I went to break and asked Adam Wes to watch out for the label machine, I also told Barbara on the casepacker that I was going to break and if there were bad labels, just to throw the door open and holler at someone, at the end of break Kim Perkins paiged overhead that she needed a label operator on line 1. When I returned from break, Adam Hall was changing out the labels I asked Adam "I thought you had my back?" Adam said I did but she paiged you before asking me or telling me why she had stopped. As I was changing out the labels, Kim came up to me and raised her voice saying "Do you have a problem with me?" I stated "no I do not, I haven't said two words to you all day." She said "that's the problem - I have noticed!" She then asked again "what's your problem?" I stated I do not have a problem - you stay pissed off at everyone on the line and I want no part of it."

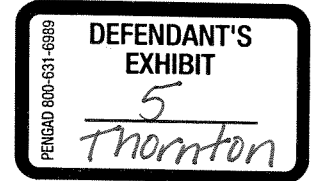
The reason I have chosen not to converse with Kim Perkins is because of her attitude towards other co-workers including myself. also this morning I heard her holler to Linda Barker on the capper about a mechanic in her (Kim's) words she stated "Don't worry he can't help you, he's not worth a fuck. This immediately told me what mood/attitude Kim was in

Did this result in down time? NO If yes how much? over.

Did this result in product being scrapped? If yes how much? NO

Attach an additional sheet if needed for witness statements following the same format.

Flavor House Products, Inc.



## 102 EQUAL EMPLOYMENT OPPORTUNITY

The Company has a longstanding commitment to Equal Employment Opportunity and Affirmative Action. It is the Company's policy to provide equal employment for all employees and applicants on the basis of merit and without discrimination because of race, creed, color, religion, national origin, ancestry, sex, sexual orientation, age, veteran status, physical or mental disability.

In addition to providing equal employment opportunity, affirmative action will be taken at each step in the employment process, which includes but is not limited to the following: recruitment, selection, promotion, demotion or transfer, compensation and employee benefits; selection for training including internship; and social and recreation programs sponsored by the Company. It is further the policy of the Company to comply with all applicable local, state and federal laws and statutes concerning Equal Employment Opportunity.

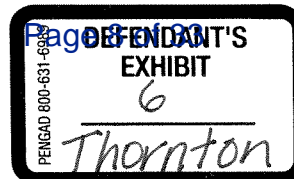
Annual Affirmative Action Programs are developed to identify areas of concern and to implement action-oriented programs to achieve short and long-range affirmative action goals and objectives. This fundamental policy is emphasized throughout Ralcorp Holdings.

Ralcorp's St. Louis Human Resource Manager is assigned responsibility for ensuring company-wide compliance with all applicable local, state and federal laws and statutes concerning equal employment opportunity and affirmative action. To assure full implementation of this policy, each business group and/or location has assigned an Equal Employment Coordinator responsibility for establishing, monitoring and evaluating the progress of its annual Affirmative Action Plan to ensure equal employment opportunity. Our Equal Employment Coordinator is our Human Resource Manager. All members of management are responsible for maintaining a discrimination free work environment by personal example and leadership.

In short, all activities of the Company reflect our full acceptance of our responsibilities as an Equal Opportunity Employer and all employees are responsible for conducting themselves in a manner consistent with this policy.

Employees are encouraged to seek assistance from their immediate supervisor, Equal Employment Coordinator, or Ralcorp's St. Louis Human Resource Manager to assure that problems are prevented or promptly resolved. Retaliation or reprisal against persons who initiate complaints or assist in the investigation of a complaint will not be tolerated.

Creative enthusiastic employees are our most important resource and the basis for our continue success. We seek an environment characterized by respect for each individual.

**10 EMPLOYEE ACKNOWLEDGMENT FORM**

The employee handbook describes important information about Flavor House Products, Inc., hereinafter referred to as "the Company", and I understand that I should consult the Human Resource Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the Company voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Company can terminate the relationship at will, with or without cause, at any time, with or without notice.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Company's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Chief Operating Officer of Nutcracker Brands, Inc., which Flavor House Products is a part of, has the ability to adopt any revisions to the policies in this handbook.

I also acknowledge that this handbook, a copy of which I have received, does not create or constitute contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Linda Parrish  
EMPLOYEE'S SIGNATURE

DATE 7/11/01

\_\_\_\_\_  
EMPLOYEE'S NAME (TYPED OR PRINTED)

## WORKPLACE HARASSMENT

The Company seeks to maintain high standards of business by creating and maintaining a work environment that is free from unlawful harassment. It is the Company's policy that harassment on the basis of any legally protected category is prohibited. Any harassment based on race, creed, color, religion, national origin, ancestry, age, sex, sexual orientation, veteran status or a physical or mental disability is a violation of Company policy. All persons conducting business for the Company, whether on or off Company property, are prohibited from engaging in harassment and shall respect the rights of others to work in an environment free from harassment. This includes employees, officers, managers, supervisors, contractors and vendors of the Company. Additionally, officers, managers and supervisors are responsible for enforcing this policy and for maintaining a workplace free from unlawful harassment.

Prohibited harassment is conduct relating to an individual's race, religion, color, age, sex, sexual orientation, national origin, ancestry, veteran status or status as an individual with a disability, that has the purpose or effect of:

- \* creating an intimidating, hostile, or offensive work environment;
- \* unreasonably interfering with an individual in work performance;
- \* adversely affecting an individual's employment opportunity.

In addition to the above, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature when:

- \* submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- \* submission to or rejection of such conduct is the basis for or a factor in any employment decision affecting the individual.

Examples of inappropriate conduct/harassment include:

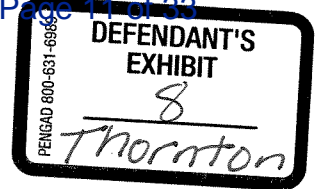
- \* Verbal harassment - such as epithets, derogatory or suggestive comments, demeaning jokes, slurs, threats, etc.
- \* Physical harassment - such as assault, unnecessary touching, impeding or blocking movement, physical interference with normal work or movement, etc.
- \* Visual harassment - such as derogatory or demeaning pictures, posters, cards, cartoons, graffiti, gestures, etc.

Any officer, manager or supervisor who becomes aware of unlawful harassment or inappropriate behavior must take immediate corrective action. In addition, they should consult with their Human Resources Department when investigating harassment claims of any kind.

Any employee who has a complaint, question or concern regarding any type of unlawful discrimination or harassment is encouraged to bring it to the attention of their immediate supervisor, their local Human Resources representative, their local Equal Employment Coordinator or Ralcorp's St. Louis Equal Employment Opportunity Manager. Employees may also utilize the toll-free confidential reporting hotline to report harassment complaints.



All concerns and complaints will be thoroughly reviewed and investigated in a timely manner. Every effort will be made to conduct the investigation on a confidential basis, with disclosure made only where there is need to know. Any prohibited harassing behavior will result in disciplinary action up to and including termination of employment. Retaliation or reprisal against persons who report harassment or cooperate or assist in the investigation of a complaint of harassment is also prohibited by this policy. Persons engaging in such behavior will be subject to disciplinary action up to and including termination of employment.



#### EQUAL EMPLOYMENT OPPORTUNITY

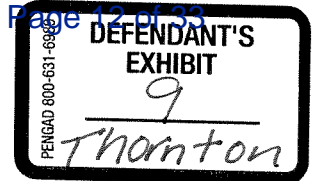
The Company will not discriminate in hiring, promotion, or continued employment because of race, religion, creed, color, age, mental or physical disability, national origin, sex, or Vietnam era veteran status. The Company policies shall be interpreted to permit the reasonable accommodation of disabled persons as required by state and/or federal law, including the Americans with Disabilities Act (ADA). In the event a proposed accommodation will conflict with the express provisions of this handbook or the express provision of any policy, it is understood that any accommodation made by the Company with respect to job duties or any other term or condition of employment shall not in any way become applicable to any other individual, class or group of associates but shall apply only to the person or persons accommodated in the particular situation. The fact that such person or persons were accommodated, and the manner and method of such accommodation, shall be without precedent and, therefore, may not be used or relied upon by a person for any purpose at any time in the future.

Associates are encouraged to seek assistance from their Supervisor or Human Resources Manager to assure that problems are prevented or promptly resolved.

Nutcracker Brands, Inc. maintains a plan for Affirmative Action that further assists us in utilizing our Associates' talents. Associates are invited to review this plan in the Human Resources Office.

A confidential telephone number and voice mailbox where associates may report any situation that could adversely affect our work environment or pose a financial risk is provided. Associates may report confidentially or anonymously. The toll-free number to call is: 1-800-877-7055. Please be as specific as possible about the situation and location you are describing.

Additionally, sexual harassment of any kind by co-workers, management, vendors or other individuals will not be tolerated. Examples of inappropriate conduct/harassment include, but are not limited to: Verbal harassment such as epithets, derogatory comments, demeaning jokes, slurs, threats, etc. Physical harassment such as assault, unnecessary touching, impeding or blocking movement, physical interference with normal work or movement, etc. Visual harassment such as derogatory or demeaning posters, cards, cartoons, graffiti, gestures, etc. Associates are encouraged to keep management informed of any such concerns (see policy on Workplace Harassment). Confidentiality is assured. If it is determined that harassment in violation of this policy has occurred, Nutcracker will take immediate and appropriate disciplinary action up to and including termination of employment.



## COMMUNICATIONS

Nutcracker's open door policy follows the basic principle that it is possible for any associate to speak to management on any matter which is of concern. We encourage everyone to speak at any time.

Management wants to operate this facility with input from you - our Associates. We encourage all Associates to regularly express ideas, concerns, fears, problems, or appreciation to their Supervisor or to appropriate management. No Manager is ever too busy to talk with you, so feel free to use the open door policy. If we are initially unable to answer your inquiry, we will get back to you with a response as soon as possible.

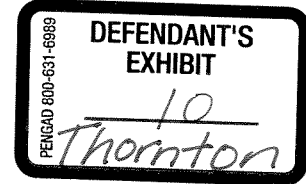
Should this procedure not resolve your concerns, a more formal complaint procedure is available. We encourage everyone to check the bulletin boards regularly. They are a vital communication tool.

## JOB POSTING AND BIDDING PROCEDURE

All job openings will be posted on Monday on the plant bulletin board, located in the associate break room and will be removed at noon the following Monday. This will give all associates the opportunity to evaluate and make application for such jobs. A sign-up sheet will be placed along with the job posting for Associates to sign. It is the Associate's responsibility to check the board for open jobs or by contacting Human Resources, if they are on vacation or returning from a Leave of Absence. Jobs will be awarded based on qualification and seniority.

During this period, any person who wants to observe the posted job may do so either 15 minutes prior to or 15 minutes after their shift (off the clock). An associate with a written warning shall not be allowed to transfer or post for a job with higher pay.

1. The job bid sheet will have the following information; job posting number, date, position, hours and pay rate at the top of each posting. It will have a place for the name, dept/shift and first, second or third choice if bidding on more than one job.
2. On the eighth (8<sup>th</sup>) day, Human Resources will notify the successful candidate of his/her job transfer. The Associate awarded the job will have his/her name posted on the bulletin board.
3. Once the Associate is awarded the job after the job posting is removed from the board, the Associate is committed to this job.
4. After being informed that he/she has received the job, every attempt will be made to move the Associate to the new job within thirty (30) working days of notification of the new position. If the Associate has not been moved to the new position within sixty (60) days of being awarded the job, the Associate may choose to receive bid rights back, and refuse the job.
5. Once the Associate is placed in his/her new position they will remain in that position for one (1) year.
6. New hires will receive bid rights on their first day of hire. The first three (3) months (90 days) of employment will serve as a probationary period. Should a new hire not meet performance standards at any time during this period, he/she may be terminated.



TO: ALL EMPLOYEES OF RALCORP HOLDINGS, INC.

**NOTICE OF EQUAL EMPLOYMENT OPPORTUNITY/  
AFFIRMATIVE ACTION POLICY**

This notice is to reaffirm Ralcorp Holdings' longstanding commitment to Equal Employment Opportunity and Affirmative Action. It is the policy of Ralcorp Holdings and its subsidiaries and affiliates to provide equal employment for all employees and applicants on the basis of merit and without discrimination because of race, creed, color, religion, national origin, ancestry, sex, sexual orientation, age, veteran status or physical or mental disability.

In addition to providing equal employment opportunity, affirmative action will be taken at each step in the employment process, which includes but is not limited to the following: recruitment, selection, promotion, demotion or transfer; compensation and employee benefits; selection for training including internship; and social and recreation programs sponsored by the Company. It is further the policy of the Company to comply with all applicable local, state and federal statutes concerning Equal Employment Opportunity.

Annual Affirmative Action Programs are developed to identify areas of concern and to implement action-oriented programs to achieve short and long range affirmative action goals and objectives. This fundamental policy is emphasized throughout Ralcorp Holdings.

Ralcorp's St. Louis Equal Employment Opportunity Manager is assigned responsibility for ensuring company-wide compliance with all applicable local, state and federal statutes concerning equal employment opportunity and affirmative action. To assure full implementation of this policy, each division and/or location has assigned an Equal Employment Coordinator responsibility for establishing, monitoring and evaluating the progress of its annual Affirmative Action Plan to ensure equal employment opportunity. All members of management are responsible for maintaining a discrimination free work environment by personal example and leadership.

In short, all activities of Ralcorp Holdings reflect our full acceptance of our responsibilities as an Equal Opportunity employer and all employees are responsible for conducting themselves in a manner consistent with this policy.

Employees are encouraged to seek assistance from their immediate supervisor, their local Human Resources representative, their local Equal Employment Coordinator or Ralcorp's St. Louis Equal Employment Opportunity Manager to ensure that problems are prevented or promptly resolved. All concerns and complaints will be thoroughly reviewed and investigated in a timely manner. Violations of this policy may result in disciplinary action up to and including termination of employment. Retaliation or reprisal against persons who initiate complaints or cooperate or assist in the investigation of a complaint is prohibited by this policy and will not be tolerated.

Creative enthusiastic employees are our most important resource and the basis for our continued success. We seek an environment characterized by respect for each individual.

A handwritten signature in cursive script, appearing to read 'Kevin J. Hunt'.

Kevin J. Hunt  
Co-Chief Executive Officer and  
President

A handwritten signature in cursive script, appearing to read 'David P. Skarie'.

David P. Skarie  
Co-Chief Executive Officer and  
President

January 2005

FH000282





TO: ALL EMPLOYEES OF RALCORP HOLDINGS, INC.

**POLICY AGAINST HARASSMENT**

Ralcorp Holdings, Inc. and its subsidiaries and affiliates seek to maintain high standards of business by creating and maintaining a work environment that is free from unlawful harassment. It is Ralcorp's policy that harassment on the basis of any legally protected category is prohibited. Any harassment based on race, creed, color, religion, national origin, ancestry, age, sex, sexual orientation, veteran status or a physical or mental disability is a violation of Company policy. All persons conducting business for the Company, whether on or off Company property, are prohibited from engaging in harassment and shall respect the rights of others to work in an environment free from harassment. This includes employees, officers, managers, supervisors, contractors and vendors of the Company. Additionally, officers, managers and supervisors are responsible for enforcing this policy and for maintaining a workplace free from unlawful harassment.

Prohibited harassment is conduct relating to an individual's race, religion, color, age, sex, sexual orientation, national origin, ancestry, veteran status or status as an individual with a disability, that has the purpose or effect of:

- \* creating an intimidating, hostile, or offensive work environment;
- \* unreasonably interfering with an individual in work performance;
- \* adversely affecting an individual's employment opportunity.

In addition to the above, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature when:


- \* submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- \* submission to or rejection of such conduct is the basis for or a factor in any employment decision affecting the individual.

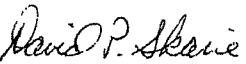
Examples of inappropriate conduct/harassment include:

- \* Verbal harassment - such as epithets, derogatory or suggestive comments, demeaning jokes, slurs, threats, etc.
- \* Physical harassment - such as assault, unnecessary touching, impeding or blocking movement, physical interference with normal work or movement, etc.
- \* Visual harassment - such as derogatory or demeaning pictures, posters, cards, cartoons, graffiti, gestures, etc.

Any officer, manager or supervisor who becomes aware of unlawful harassment or inappropriate behavior must take immediate corrective action. In addition, they should consult with their Human Resources Department when investigating harassment claims of any kind.

Any employee who has a complaint, question or concern regarding any type of unlawful discrimination or harassment is encouraged to bring it to the attention of their immediate supervisor, their local Human Resources representative, their local Equal Employment Coordinator or Ralcorp's St. Louis Equal Employment Opportunity Manager. Employees may also utilize the toll-free confidential reporting hotline to report harassment complaints. All concerns and complaints will be thoroughly reviewed and investigated in a timely manner. Every effort will be made to conduct the investigation on a confidential basis, with disclosure made only where there is need to know. Any prohibited harassing behavior will result in disciplinary action up to and including termination of employment. Retaliation or reprisal against persons who report harassment or cooperate or assist in the investigation of a complaint of harassment is also prohibited by this policy. Persons engaging in such behavior will be subject to disciplinary action up to and including termination of employment.

  
 Kevin J. Hunt  
 Co-Chief Executive Officer and  
 President  
 January 2005

  
 David P. Skarie  
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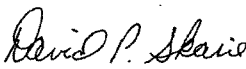
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 Co-Chief Executive Officer and  
 President  
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In addition to providing equal employment opportunity, affirmative action will be taken at each step in the employment process, which includes but is not limited to the following: recruitment, selection, promotion, demotion or transfer; compensation and employee benefits; selection for training including internship; and social and recreation programs sponsored by the Company. It is further the policy of the Company to comply with all applicable local, state and federal statutes concerning Equal Employment Opportunity.

Annual Affirmative Action Programs are developed to identify areas of concern and to implement action-oriented programs to achieve short and long range affirmative action goals and objectives. This fundamental policy is emphasized throughout Ralcorp Holdings.

Ralcorp's St. Louis Equal Employment Opportunity Manager is assigned responsibility for ensuring company-wide compliance with all applicable local, state and federal statutes concerning equal employment opportunity and affirmative action. To assure full implementation of this policy, each division and/or location has assigned an Equal Employment Coordinator responsibility for establishing, monitoring and evaluating the progress of its annual Affirmative Action Plan to ensure equal employment opportunity. All members of management are responsible for maintaining a discrimination free work environment by personal example and leadership.

In short, all activities of Ralcorp Holdings reflect our full acceptance of our responsibilities as an Equal Opportunity employer and all employees are responsible for conducting themselves in a manner consistent with this policy.

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Kevin J. Hunt  
Co-Chief Executive Officer and  
President

David P. Skarie  
Co-Chief Executive Officer and  
President

January 2004

FH000285



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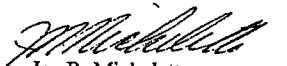
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January 2001

  
Joe R. Micheletto  
Chief Executive Officer and  
President

FH000286





TO: ALL EMPLOYEES OF RALCORP HOLDINGS, INC.

NOTICE OF HARASSMENT POLICY

Ralcorp Holdings, Inc. and its subsidiaries and affiliates seek to maintain high standards of business by creating and maintaining a work environment that is free from harassment. It is Ralcorp's policy that harassment on the basis of any legally protected category is prohibited. Any harassment based on race, creed, color, religion, national origin, ancestry, age, sex, sexual orientation, veteran status or a physical or mental disability is a violation of Company policy. Managers and supervisors are responsible for enforcing this policy and for maintaining a workforce free from harassment.

All employees are prohibited from engaging in harassment and shall respect the rights of their fellow employees to work in an environment free from harassment. Such behavior may result in disciplinary action up to and including discharge.

Any supervisor or manager who becomes aware of unlawful harassment or inappropriate behavior must take immediate corrective action. In addition, managers should consult with their Human Resources Department when investigating harassment claims of any kind.

Prohibited harassment is conduct relating to an individual's race, religion, color, age, sex, sexual orientation, national origin, ancestry, veteran status or status as an individual with a disability, that has the purpose or effect of:

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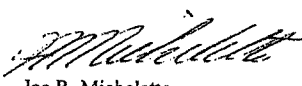
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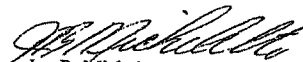
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January 2000

  
Joe R. Micheletto  
Chief Executive Officer and  
President

FH000288



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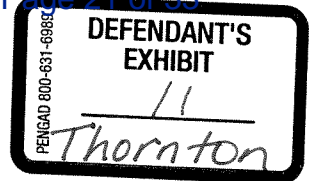
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January 2000

A handwritten signature in dark ink, appearing to read 'Joe R. Micheletto'.  
Joe R. Micheletto  
Chief Executive Officer and  
President

FH000289



## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris Jordan Date: 2-16-06Present: Melvin HutchinsWho was involved: Frank Williams

Witness (s): \_\_\_\_\_

Date of incident: 2-16-06Where did it take place: In hallway of Parl.When did it take place (time and day): 2-16-06 AM

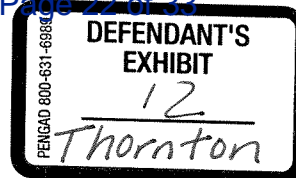
What happened: At approximately 10:50AM an employee came to me stating that Frank Williams had come to them this am, stating that I had been telling people that Frank Williams was a child molester. Immediately I met with M. Hutchins / Chris Jordan with this matter. This is after previous meeting with M. Hutchins on the topic of many concerns with Frank and line 3 work situations.

Did this result in down time? No If yes how much?Did this result in product being scrapped? If yes how much? No

Attach an additional sheet if needed for witness statements following the same format.

Mark Beaul - present in smoking area



**MEMORANDUM**

**DATE:** March 7, 2006  
**TO:** Linda Thornton  
**FR:** Tommy Nance  
**RE:** Memo to File

**INCIDENT  
OCCURRED ON  
2/16/06**

After investigating the events surrounding the allegations made on 2/16/06, I have determined that you acted in a way that was inflammatory and instigational. This is not the first altercation that has occurred between yourself and Frank Williams. Any continued comments of an inflammatory nature or comments meant to incite controversy will be dealt with in a similar fashion.

Failure to follow the proper procedures has resulted in you receiving this **Memo to File.**

Any future violations will result in additional disciplinary action up to and including termination.

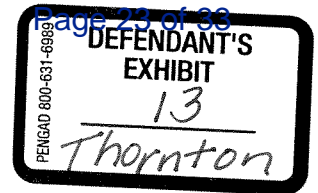
A handwritten signature in cursive script, appearing to read "Tommy Nance", written over a horizontal line.

Tommy Nance  
Human Resources Manager

A handwritten signature in cursive script, appearing to read "Linda Thornton", written over a horizontal line.

Linda Thornton  
(Signature acknowledges  
Receipt of this document  
only.)

*I disagree with entire situation and who made comments, also with my record 4 years of employment this should show.*



## DOCUMENTATION FORM

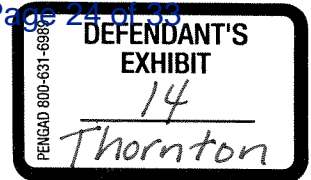
Employee Name: Linda ThorntonInvestigating Supervisor: Chris Gordon Date: 3-01-06Present: M. HutchinsWho was involved: Frank WilliamsWitness (s): N/ADate of incident: Linda was told 2/28/06Where did it take place: Break AreaWhen did it take place (time and day): After work

What happened: Repeatedly have been told of comments  
that team leader has made against me,  
one after investigation, very serious comments  
and threats made.

I just want this to be over with,  
which I believed it would be after  
last week's meeting with Tommy in HR,  
These threats & comments were made to an employee  
in the front office.

Did this result in down time? N/A If yes how much?Did this result in product being scrapped? If yes how much? N/A

Attach an additional sheet if needed for witness statements following the same format.



## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris Jordan Date: 6-14-06Present: Melvin Hutchins, Frank HallWho was involved: Frank WilliamsWitness (s): Catherine Long, Wesley, Tamekia Cook

Date of incident: \_\_\_\_\_

Where did it take place: line 3When did it take place (time and day): 11<sup>00</sup> - 11<sup>05</sup>?

What happened: Today on line 3 when I came back from second break, (Frank Williams had relieved me.) I noted that the paperwork had not been done while I was on break, so I was catching up on the paperwork. Frank was reloading the machine with labels. There was re-work in a box full of cans, and the table was over-flowing with cans with bad labels. When Frank reloaded the machine he went to walk away - I asked him to help with the re-work - (the audit was going on) he started yelling at me that he had better "mother fucking things to do than worry about that fucking re-work. He continued to holler at me, and I told him to quit yelling & cussing at me. At this time he went from inside of the line to the outside of the line. The entire time yelling at me. Continued to yell mother fucker, God damn mother fucker. Throwing a large bag of cans, as he continued to yell and cuss at me - I continued to request that Wesley would please call for a supervisor. At this time Frank

Did this result in down time? no If yes how much?Did this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.

was still yelling & cussing and I continued to ignore him. Donald Coty walked by and I requested that he please get a supervisor, please call Melvin Hutchins.

FH009023

Finally Frank went on his way. When Marvin came I told him about the situation at hand. Catherine ~~long~~ ~~long~~ was standing there and Wesley, and I honestly do not know who else. I ignored Frank Williams yelling God Damn Mother Fucker — whether he was calling me that name or just using it at me. Regardless — I won't take it in. No one else talks to me that way and he sure won't again. I don't have to tolerate that level of abusive language or me calling. Tameka asked me later what was he drawing a fat about.

Also, stated to Catherine "Did I holler at Linda". She stated "Yeah".



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88-15-87 14:29 Pg: 3/7

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form		ENTER CHARGE NUMBER <input checked="" type="checkbox"/> EEOC 420 2006 05187
_____ and EEOC (State or local Agency, if any)		
NAME (Indicate Mr., Ms., or Mrs.) Linda Thornton		HOME TELEPHONE NO. (Include Area Code) 334-693-4488
STREET ADDRESS 100 Armstrong Street	CITY, STATE AND ZIP Headland, AL 36345	COUNTY Henry
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)		
NAME Flavor House Products, Inc.	NO. OF EMPLOYEES/MEMBERS Over 15	TELEPHONE NO. (Include Area Code) 334-983-5643
STREET ADDRESS 2700 Horace Shepard Road	CITY, STATE AND ZIP Dothan, AL 36303	COUNTY Houston
NAME _____	CITY, STATE AND ZIP _____	TELEPHONE NO. (Include Area Code) _____
STREET ADDRESS _____	CITY, STATE AND ZIP _____	COUNTY _____
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es): <input type="checkbox"/> Race <input type="checkbox"/> Color <input checked="" type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> National Origin <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Other		DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year) June 16, 2006
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s): Social Security Number: <u>078-62-7979</u> Date of Birth: <u>5-16-64</u> Sex: <u>Female</u> Race: <u>Caucasian</u> I, Linda Thornton, began working for Flavor House Products, Inc. on or about June 25, 2001. While employed at Flavor House, I suffered sexual discrimination and retaliation. The sexual discrimination started during my first year of employment with Flavor House and continued throughout my employment. I was forced to resign my position with Flavor House on or about June 21, 2006, following my complaints to management of sexual discrimination and harassment.		
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary to meet State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct. 09-15-06 Linda Thornton Date Charging Party (Signature)		SIGNATURE OF COMPLAINANT Linda Thornton SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

 DEFENDANT'S EXHIBIT  
 15  
 Thornton  
 FILED 88-15-87

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08-15-07 14:29

Pg: 4/7

Name: Hinda Morton  
 Social Security #: 018-62-7979  
 Date: 9-15-06

So much has happened that I cannot possibly set out everything, but the following is a brief summary of the sexual discrimination and/or harassment that I was subjected to while employed at Flavor House Products, Inc.

During my first year of employment, I repeatedly tried to get a promotion to "Label Operator". I was passed over several times and the position was given to temporary male employees with less or no experience. Unlike the male employees, I was required to provide a resume listing my mechanical experience before I was given the position. The discrimination continued even after I received the position in that I did not receive the training that the male operators/employees received. Additionally, the mechanics, all male, and other male employees made derogatory comments about me working "in a man's job." The mechanics did not like for me to make adjustments to my machine. If I took longer than 5 minutes to make adjustments, they would push me out of the way and make the adjustments or they would call the male supervisor over to make the adjustments. However, the male operators made adjustments that took longer than five minutes and nothing was said. I suffered this discriminatory treatment from the time I was put in the Label Operator position until I was forced to resign. My supervisor was aware of the discriminatory treatment; however, he did nothing to stop the discrimination. I also made numerous complaints to Marianne Boyer, Director of Operations, about the sexually discriminatory work environment that the female employees, including myself, were forced to work in on a daily basis. I told her that the mechanics, who are all male, cursed at and yelled at the female employees and that they called the female employees derogatory names. I reported to her that the mechanics would not allow the female operators to make minor repairs on their machines, but did not say anything when male employees made the same or similar repairs. However, Boyer's typical response to my complaints was to tell me that I would have to "deal with it" as she had learned to "deal with it" and then gave me two examples of discrimination she had do "deal with" in the company.

The first time I worked with Frank Williams was sometime in 2003. He was supposed to help me learn how to run his machine. I worked with him for three to four weeks. During that time, he yelled at me and cursed me. He also called me a "fucking stupid bitch". I complained to Melvin Hutchins, a member of management, but Hutchins told me that Williams was the only one that knew how to run the machine so I would just have to get along with him. I didn't work with Williams again until the beginning of 2006. I applied for a position as Line 3 Label Operator and received the position. Williams was not in the department when I applied; however, he was moved to the department shortly afterwards as the Team Leader. From then until I was forced to resign, Williams treated me in a discriminatory and demeaning manner. He yelled at me and cursed at me every day. Williams constantly talked about his sex life with his wife. He talked about how often he had sex, how they had sex, where they had sex, and how often they had sex. He even said he could tell his wife was cheating on him because of the way she "felt" when they had sex. Williams was also very vocal about the fact that he was a registered sex offender. I complained about Williams and his discriminatory treatment many times. I complained to Hutchins and Chris Jordan, Supervisor. They told me it would be taken care of, but to my knowledge, nothing was ever done as Williams' discrimination continued. A few months before I was forced to leave my employment, I was written up for telling another employee that Williams was a registered sex offender even though Williams made this statement himself almost every day. At first I was called in and told not to discuss Williams history although he discussed it everyday. I was told that the matter would be dropped, but if I discussed his criminal history again, I would be written up. A few days later, another female employee told me that Williams was making threats to hurt me. I reported these threats to management and was written up for discussing Williams history after being told not to talk about it. The employee that told me about the threats was fired shortly afterwards. Williams was the reason I was forced to resign my position with Flavor House.

On or about June 14, 2006, I was operating the label machine on Line Three, my usual position. Williams took over my machine during my break. When I came back, Williams was re-loading my machine with labels. I saw that the

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08-15-07 14:30

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Name: Linda Thornton  
Social Security #: 078-62-7979  
Date: 09-15-06

paperwork had not been done while I was on break so I started on it to get caught up. There was also an overflow of re-work that needed to be done and a box full of bad labels that had to be re-done. As the company was having an important audit done that day, I asked Williams to help me with the re-work when he walked by. Williams turned around and shouted at me that he had "better mother-fucking things to do than fucking re-work." Williams continued to yell at me and kept repeating, "God damn mother fucker" at me. I tried to ignore him. Williams walked to the outside of the line and continued to yell at me. While still yelling "God damn mother-fucker" at me, he began picking up pallets and slamming them down. He also picked up a large bag of trash and threw it. By this time, a line mechanic had walked up and I asked him several times to call a supervisor on the radio. He tried to call a couple of supervisors and was told "it will be one minute." Donald Coty, the Mechanic Supervisor, walked by and I asked him to call Melvin Hutchins. By the time Hutchins arrived, Williams had quit yelling and cursing at me, but was still throwing pallets around and glaring at me. Hutchins asked me what the problem was, and I told him that I knew it was not a good time for this because the audit was going on, but this was the last time Williams was going to lose his temper and "go off on me" by cursing and yelling at me and calling me a "God damn mother-fucker" for no apparent reason. Hutchins called Chris Jordan, Packaging Supervisor, and he came over to my line. Jordan inventoried my tool bag and then told me to come to his office that afternoon and write out a statement of what happened. I began crying as I told him about Frank's discriminatory treatment and that I was tired of having to deal with Williams. Jordan assured me the situation would be resolved. Hutchins and Jordan then left to go back to the audit. From the time they left until three o'clock when I went to the front office, Williams stood at my re-work table and glared at me. I was extremely uncomfortable. At three o'clock, I went to Jordan's office and wrote out a statement. I was still very upset and told Jordan that I didn't know what Williams' problem was and he said he didn't care what Williams' problem was and that he would turn in my statement in the morning. I also told Jordan that Williams went and asked Catherine Long, a nearby co-worker, if she thought he had yelled at me, and Ms. Long told him twice that she thought he had yelled at me.

On or about June 15, 2006, I returned to work and tried to do my job while avoiding Williams. My co-workers were called in to the office to provide statements regarding the incident. Williams returned to my re-work table and glared at me the same way he had the day before. He would also walk up close to my machine and stop and stare at me. Williams' demeanor was very intimidating and because I knew that he had a history of violence against women, I was afraid he was going to hurt me. I was so scared of Williams that I took a screwdriver out of my tool bag and began carrying it around in my back pocket. When he was not standing at my re-work table or next to my machine, he would go to the filler machine and talk to Stephanie. He would turn around and glare at me from time to time during his conversation. Melvin Hutchins walked by and I told him that I was not comfortable working with Williams and that I did not feel safe around Williams. Hutchins told me that he had read my statement and agreed that he would not feel safe either. He reassured me that the situation would be resolved. He told me not to let it get me down and to "pray on it". Later that day, I was moved to the Line 5 label machine; however, this was still in the same department with Williams and only a few feet away. This move afforded me no protection from Williams.

On June 16, 2006, I reported back to work and heard over the radio that Williams was not going to be at work that day. I called Jordan and asked if I was going to be moved back to my regular line, Line 3, since Williams was not going to be there. He said "no". I saw Hutchins later that morning and asked him if the move to Line 5 was permanent. He told me that he needed me on Line 5 right then and could not answer if the move was permanent. I then asked Ricky Smothers, the Supervisor over all Supervisors, if the move was permanent and he told me I would have to talk to Tommy (LNU) in PR. I asked Ricky if he was aware of what happened to me the day before. He said that he had heard bits and pieces of what happened. I asked him if he had read my statement and he said "no". I realized at that point that Williams was not going to be disciplined for his discriminatory behavior and that I was not going to be protected from him. I was so



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08-15-07 14:31 Pg: 6/7

Page 4 EEOC Charge

Name: Linda ThorntonSocial Security #: 078-62-7979Date: 09-15-06RECEIVED  
EEOC  
SEP 21 2006  
BIRMINGHAM DISTRICT COURT

upset that I had to clock out and go outside to calm down. Hutchins and Ricky followed me outside and told me to leave the property and come back in an hour to meet Tommy. I told them that I was too upset to drive so they told me I should wait in the car for Tommy to get there so I could talk to him. They did not want the other employees to see me crying and upset. I waited and spoke with Tommy and Marianne Boyer, CEO, about the situation with Williams. Despite my statement and statements from witness, they concluded that I had "baited" Williams. I tried to explain to them again that I did not feel safe working with Williams and that I had started carrying a screwdriver in my back pocket. Recognizing that they were not going to resolve the situation with Frank, I placed my badge on Tommy's desk. Boyer asked me not to quit and to think about it over the weekend. I repeatedly told Boyer that I did not feel safe working with Williams to which she responded several times that if this was a court of law the action they had taken would be acceptable. She accused me of having an issue with sexual discrimination, and even though she told me that the law required them to provide a safe work environment, she told me that Williams would not be terminated. She said I would be moved to Line 5 and Williams would be on Line 3 and that we would stay that way for three months to see which of us had a conflict first. There was no mention of a write up during this conversation. However, it was later stated that if I had returned to work following this incident, I would have been written up although I had done nothing wrong.

The next three scheduled work days I called in sick because I was too afraid to go in and face Williams. A female employee told me that the first two days I was out, Williams asked her where I was. On the third day, Flavor House called back and left a message that I would have to have a doctor's excuse to return to work. I called Leah Allums in Personnel Resources and told her that I would not be returning because I did not feel I would be safe working with Williams. I learned that after my employment ended, Williams was written up for cursing at another female employee.

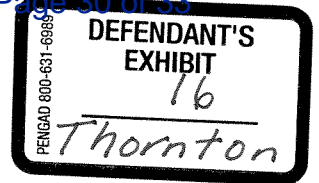
I believe that I suffered from sexual discrimination, harassment, and retaliation while employed with Flavor House Products, Inc., and that I was discriminated against because of my sex, female. I have been discriminated against because of my sex in job assignments, training, promotions, wages, discipline, discharge, and other terms, conditions, and privileges of employment; and retaliated against in that the conduct was wilful, malicious, and in wanton disregard of my federally protected rights.

Linda Thornton  
Charging Party

09-15-06  
Date



Appeal #1



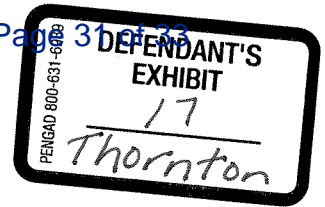
3-30-06

To whom it may concern;

On behalf of myself, I am requesting an appeal on the subject of my label operator level status. I hope that you will greatly re-consider the status that you have placed me at. I am convinced that this was greatly un-noticed when I was placed as a level one label operator. My skills are at a very high level that I am deeply proud of. I have mastered lines one and two label machine's for the past four years. At present time I run line 3 label machine which is considered the hardest of the can lines. I am able to trouble shoot, change over every machine. Even though, on the can line, I continue to always help my fellow label operators. For there will never be a label operator that never needs help, including myself. I have had the opportunity to train Vicki Cook on line one label machine to take my position. With patience and the correct information in training Vicki has proven herself to be one of the best for line label operators.

I am requesting an appeal, and that you give me the opportunity to go directly to label operator status 4. I believe I have earned this and have the skills achieved.

Sincerely,  
Linda Thornton.

**PAY-FOR-SKILL**

Nutcracker offers voluntary Pay-For-Skill Programs designed to meet departmental needs. The purpose of those programs is to incentivize Associates to expand their job knowledge and skill levels. Associates who choose to participate will be compensated at various levels after successfully passing a skills test

**Roasters**

I.	\$11.85
II.	\$12.20
III.	\$12.55
IV.	\$12.90

**Waste**

\$9.50

**Forklift**

I.	\$9.75
II.	\$10.10
III.	\$10.45
IV.	\$10.80

**Dumper**

\$9.00

**Baggers**

I.	\$10.50
II.	\$10.85
III.	\$11.20
IV.	\$11.55

**Stacker**

\$9.00

**Fillers/Sanitation**

I.	\$9.40
II.	\$9.75
III.	\$10.20
IV.	\$10.55

**Labeler**

\$10.50
\$10.85
\$11.20
\$11.55

**Butter Toffee**

\$10.85

**General Production**

\$8.00

**Data Entry/Stockroom/Shipping & Receiving**

I.	\$11.50
II.	\$12.00
III.	\$12.50
IV.	\$13.00

Guidelines:

- I. Associates in their probationary period will be paid .50 below level one.
- II. After completing the ninety (90) day probation, they will go to rate of level one.
- III. Each level will require a minimum of six (6) months between levels.
- IV. Team leaders will receive .50 over and above the highest rate of those they are leading.

TRANSFERS AND TEMPORARY PAY CHANGES

An Associate may be placed into a different job due to business conditions by the company. They will maintain their rate of pay for 90 days from the date they are moved into that new job. If at the end of 90 days they have not been moved back to their previous job, their rate of pay will change to the present job. If they are moved to a different shift, they will not maintain the shift differential. Examples of this may occur during layoff or when a position is eliminated, which displaces Associates back into other positions.

If an Associate voluntarily agrees to work in a different job for a one day assignment and the rate of pay for that job is less than they are presently earning, they will be paid the rate of pay for that job. They will not be paid their normal rate of pay for performing that job. The Supervisor will complete a Temporary Pay Change for that day.

If an Associate voluntarily agrees to work in a different job for a one day assignment and the rate of pay for that job is more than they are presently earning, then they will be paid the rate of pay for that job. The Supervisor will complete a Temporary Pay Change for that day.

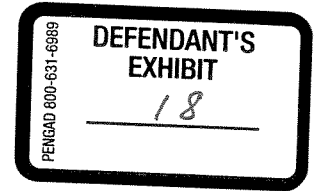
If an Associate is forced to work in a lower rated paying position, they will retain their higher normal rate of pay. Anyone forced into a higher rate of pay position will receive the higher rate of pay while working in that position.

This policy does not apply to probationary Associates and temporaries.

JURY DUTY

If called for Jury Duty, Associates will be reimbursed for time lost. The Associate is reimbursed the difference between jury fees and their regular hourly rate for up to forty (40) hours per week for maximum of ten (10) days per calendar year. Extensions may be granted in unusual circumstances. Associates must advise their Supervisor and Human Resources in the event they are called upon for Jury Duty. This policy does not apply to voluntary jury duty or days for which other pay (holiday, vacation, etc.) is received.

## Appeal Response



To: Linda Thornton  
Re: Level 4 Operator Pay Appeal  
Date: April 20, 2006  
From: Tommy Nance

Linda,

We have reviewed your appeal to adjust your pay to level 4 for the Label Operator position. You were initially placed at a Level 1 at the introduction of the Pay for Skills Program. You have not taken the opportunity to advance your Level Status through testing at the various levels. You have stated that since your pay was at or above Level 4 that you did not need to test. This however does not allow you to receive annual cost of living increases due to your pay being higher than Level 1. You have been red-lined and will only receive a lump sum disbursement rather than an annual increase until the cost of living increases cause the pay for skill levels to advance beyond your current pay.

If you feel that you are a Level 4 operator, we will afford you the opportunity to test at each level without the pre-requisite 6 month period between levels. You will have to test at each level and we will assign you the level status that you are able to show competence in. Your pay will not be reduced if you fail to pass any given level. Likewise, no increase will be given until competence as a Level 4 has been achieved.



1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF ALABAMA  
3                   SOUTHERN DIVISION  
4  
5       LINDA THORNTON,                   )  
6                   Plaintiff,                   )  
7       VS.                   )       CIVIL ACTION NO:  
8       FLAVOR HOUSE PRODUCTS,)       1:07-CV-712-WKW  
9       et al.,                   )       DEPOSITION OF:  
10                   Defendants.                   )       LINDA THORNTON  
11                   )       VOLUME II

12  
13                   S T I P U L A T I O N S

14                   IT IS STIPULATED AND AGREED, by and  
15       between the parties through their respective  
16       counsel, that the deposition of:

17                   LINDA THORNTON,  
18       may be taken before LeAnn Maroney, Notary  
19       Public, State at Large, at the law offices of  
20       Baker, Donelson, Bearman, Caldwell &  
21       Berkowitz, 1600 Wachovia Tower, Birmingham,  
22       Alabama, 35203, on March 3, 2008, commencing  
23       at approximately 10:30.

(Pages 226 to 229)

3

Page 226	Page 228
<p>1 represent?</p> <p>2 MS. SWAIN: Jennifer Swain</p> <p>3 representing Flavor House.</p> <p>4 MR. CRUM: Richard Crum</p> <p>5 representing Frank Williams.</p> <p>6 MS. ROBERTSON: Ann Robertson</p> <p>7 representing the plaintiff.</p> <p>8 THE COURT: Court reporter, will</p> <p>9 you please swear the witness?</p> <p>10 LINDA THORNTON,</p> <p>11 having been first duly sworn, was examined</p> <p>12 and testified as follows:</p> <p>13 THE REPORTER: Usual</p> <p>14 stipulations?</p> <p>15 MS. ROBERTSON: She's still</p> <p>16 reading and signing.</p> <p>17 EXAMINATION BY MS. SWAIN:</p> <p>18 <b>Q Ms. Thornton, you will recall</b></p> <p>19 <b>that I'm Jennifer Swain. I'm going to</b></p> <p>20 <b>continued to ask you questions today about</b></p> <p>21 <b>your employment with Flavor House and about</b></p> <p>22 <b>your lawsuit. And once again, I'll ask you</b></p> <p>23 <b>to let me know if I ask a question that you</b></p>	<p>1 <b>come and make adjustments to your machine</b></p> <p>2 MS. ROBERTSON: Object.</p> <p>3 A He came several times, but not</p> <p>4 always did he make an adjustment to my</p> <p>5 machine. A lot of times he would come</p> <p>6 because Melvin called him, if Melvin thought</p> <p>7 I was down too long or if I was trying to</p> <p>8 work with the labels. He would think that</p> <p>9 Bruce could do something better than I could.</p> <p>10 <b>Q How many times did Melvin call</b></p> <p>11 <b>Bruce to your machine?</b></p> <p>12 A Whenever Melvin thought I was</p> <p>13 down too long.</p> <p>14 <b>Q Do you recall how many times that</b></p> <p>15 <b>occurred?</b></p> <p>16 A No, ma'am.</p> <p>17 <b>Q And just to make sure I</b></p> <p>18 <b>understand, if there was something that</b></p> <p>19 <b>needed to be done with your machine or if</b></p> <p>20 <b>your machine wasn't operating properly, you</b></p> <p>21 <b>would normally attempt initially to take care</b></p> <p>22 <b>of whatever the problem was?</b></p> <p>23 A Yes, ma'am. That was one of the</p>
Page 227	Page 229
<p>1 <b>don't understand.</b></p> <p>2 A Yes, ma'am.</p> <p>3 <b>Q And also, once again, I'll ask</b></p> <p>4 <b>you to give a yes or no or a narrative</b></p> <p>5 <b>response as opposed to a head shake or an</b></p> <p>6 <b>uh-huh or an huh-uh.</b></p> <p>7 A Yes, ma'am.</p> <p>8 <b>Q We -- I think you mentioned</b></p> <p>9 <b>briefly when we were here the last time the</b></p> <p>10 <b>situation where you claimed that if you took</b></p> <p>11 <b>too long to make an adjustment to your</b></p> <p>12 <b>machine, the mechanics would come and make</b></p> <p>13 <b>the adjustment for you.</b></p> <p>14 A Yes, ma'am.</p> <p>15 <b>Q Who -- what mechanics are you</b></p> <p>16 <b>talking about?</b></p> <p>17 A Adam Hall, Wesley McInnis, Tom</p> <p>18 Beard. Or Melvin would call Bruce Cassidy.</p> <p>19 And when Bruce would come to the machine, he</p> <p>20 would tell me just act like I'm doing</p> <p>21 something to it. "They called me and I don't</p> <p>22 know why they called me."</p> <p>23 <b>Q How many times did Bruce Cassidy</b></p>	<p>1 requirements.</p> <p>2 <b>Q And then the mechanics were there</b></p> <p>3 <b>to fix any problems that you were not able to</b></p> <p>4 <b>fix; is that right?</b></p> <p>5 A The mechanics were there to</p> <p>6 replace parts, to do anything that was broken</p> <p>7 mechanically. They weren't there to adjust</p> <p>8 my machine or run my machine. They were</p> <p>9 there to mechanically fix it, anything that</p> <p>10 was mechanically wrong with it.</p> <p>11 <b>Q And the mechanics worked on the</b></p> <p>12 <b>machines other than yours, as well, correct?</b></p> <p>13 A Yes, ma'am.</p> <p>14 <b>Q What was it about the way the</b></p> <p>15 <b>mechanics dealt with -- with you or your</b></p> <p>16 <b>machine that you felt was discriminatory?</b></p> <p>17 MS. ROBERTSON: Object.</p> <p>18 A When I called the mechanic or had</p> <p>19 somebody call for me, when they would come,</p> <p>20 they would ask me what the fuck was the</p> <p>21 problem now, why can't you just run the</p> <p>22 mother fucker.</p> <p>23 <b>Q So, your -- your concern with the</b></p>

(Pages 234 to 237)

Page 234

1 A Yes, ma'am. I would have been.  
 2 **Q Who is the -- well, strike that.**  
 3 **You were never fired from Flavor House, were**  
 4 **you?**  
 5 A Yes, ma'am.  
 6 **Q When were you fired from Flavor**  
 7 **House?**  
 8 A They called it suspended in their  
 9 notes, but I was fired.  
 10 **Q When were you fired from Flavor**  
 11 **House?**  
 12 A It was a week after I had hurt my  
 13 knee.  
 14 **Q Which was when?**  
 15 A I believe it was 2005. I'm not  
 16 sure of the year.  
 17 **Q What were you suspended for?**  
 18 A They claimed I had 12 points.  
 19 **Q And when you say points, you are**  
 20 **talking about attendance points, correct?**  
 21 A Yes, ma'am.  
 22 **Q And did you dispute the number of**  
 23 **points that you had?**

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1 A Yes, ma'am.  
 2 **Q And ultimately you were -- your**  
 3 **suspension was taken away?**  
 4 A After I called Mary Ann in  
 5 California. And two days later I was called  
 6 at home. They told me they had made an  
 7 error.  
 8 **Q Who was it that suspended you?**  
 9 A David Helms.  
 10 **Q What was his position?**  
 11 A HR.  
 12 **Q What is it that makes you think**  
 13 **you were suspended, but that was actually a**  
 14 **termination?**  
 15 A They took my -- they took my  
 16 badge and walked me to the door. I no longer  
 17 had a badge.  
 18 **Q Okay. Is there anything else**  
 19 **that made you think you were terminated on**  
 20 **that occasion?**  
 21 A That was the sign you were  
 22 terminated, when they take your badge. Then  
 23 they have to walk you to the door and let you

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1 out.  
 2 **Q Is there anything else that made**  
 3 **you think you were terminated besides taking**  
 4 **your badge?**  
 5 A They told me I had 12 points, and  
 6 I was only supposed to have nine. That's  
 7 grounds for termination.  
 8 **Q But they told you that you were**  
 9 **suspended?**  
 10 A No. They told me the ball was in  
 11 my court. "You have twelve points." And  
 12 when I tried to argue it, he said I had  
 13 misunderstood, not him. He wouldn't listen  
 14 to me.  
 15 **Q What I'm trying to find out,**  
 16 **Ms. Thornton, is did anybody ever actually**  
 17 **tell you that you were terminated on that**  
 18 **occasion, that your --**  
 19 A When they --  
 20 **Q Let me finish. That your**  
 21 **employment was over with the company?**  
 22 A Ma'am, when they take your badge,  
 23 you are fired.

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1 **Q I understand that that was the**  
 2 **way you interpreted that. I'm asking -- my**  
 3 **question, though, is whether anybody ever**  
 4 **actually told you, said to you the words "you**  
 5 **are fired" or "you are terminated"?**  
 6 A David Helms said let go. He  
 7 didn't say fired or terminated. He said,  
 8 "I'm letting you go." And Fannie took my  
 9 badge and walked me to the door.  
 10 **Q All right. Any other occasions**  
 11 **when you were terminated, in your opinion,**  
 12 **from Flavor House?**  
 13 A Any other times I was  
 14 terminated?  
 15 **Q Correct.**  
 16 A No, ma'am, except for when -- the  
 17 very last day on Friday. I feel like I was  
 18 forced out of the plant.  
 19 **Q And how were you forced out of**  
 20 **the plant?**  
 21 A I could no longer work in an  
 22 unsafe environment.  
 23 **Q So, in your view, by not**

(Pages 242 to 245)

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<p>1 present when Ricky met with the mechanics?</p> <p>2 A No, ma'am.</p> <p>3 Q Do you know what was said during</p> <p>4 that meeting?</p> <p>5 A No, ma'am. All I know is Wesley</p> <p>6 came and said, "You've started some shit</p> <p>7 again, haven't you?"</p> <p>8 Q Did you ever complain to anyone</p> <p>9 in management at Flavor House about the</p> <p>10 mechanics pushing you or using cuss words</p> <p>11 towards you on any other occasions?</p> <p>12 A Yes, ma'am.</p> <p>13 Q When else?</p> <p>14 A I complained to Mary Ann Boyer</p> <p>15 about them pushing me away from my machine.</p> <p>16 Q Okay. When did you complain to</p> <p>17 Mary Ann?</p> <p>18 A It was sometime while I was on</p> <p>19 line three.</p> <p>20 Q Do you recall when?</p> <p>21 A No, ma'am.</p> <p>22 Q And what did you tell Mary Ann?</p> <p>23 A I told her I was tired of being</p>	<p>1 A Yes, ma'am.</p> <p>2 Q Who else complained?</p> <p>3 A Joanie.</p> <p>4 Q Anybody else?</p> <p>5 A I'm not sure.</p> <p>6 Q How do -- how do you know that</p> <p>7 Joanie complained?</p> <p>8 A Because there were different</p> <p>9 occasions that you -- I witnessed her having</p> <p>10 arguments with them.</p> <p>11 Q With the mechanics?</p> <p>12 A Yes, ma'am.</p> <p>13 Q How do you know she complained</p> <p>14 about the mechanics was my question.</p> <p>15 A Because we talked.</p> <p>16 Q So, Joanie told you that?</p> <p>17 A She was being treated the same</p> <p>18 way.</p> <p>19 Q So, Joanie told you that she</p> <p>20 complained?</p> <p>21 A She told me she was fed up with</p> <p>22 the mechanics.</p> <p>23 Q Did Joanie ever tell you that she</p>
Page 243	Page 245
<p>1 moved out of the way when -- when I had to</p> <p>2 work on my machine or adjust my machine. And</p> <p>3 she referred to it as the southern thing, the</p> <p>4 gentleman thing. Her daughter -- it would</p> <p>5 make her daughter mad when her daughter's</p> <p>6 date would open the door for her, the car</p> <p>7 door for her.</p> <p>8 Q Anything else said during that</p> <p>9 conversation with Mary Ann?</p> <p>10 A I complained about the way they</p> <p>11 talked to me.</p> <p>12 Q And what did you say about that?</p> <p>13 A The cussing, Frank Williams</p> <p>14 cussing me.</p> <p>15 Q Okay. Was anything else said</p> <p>16 during that conversation?</p> <p>17 A I complained about how the</p> <p>18 mechanics didn't treat the other male label</p> <p>19 operators that way.</p> <p>20 Q Do you know whether any of the</p> <p>21 other female label operators ever complained</p> <p>22 to management about the way they were treated</p> <p>23 by the mechanics?</p>	<p>1 complained about the mechanics? I don't mean</p> <p>2 complained to you. I mean complained to</p> <p>3 someone in management.</p> <p>4 A I'm not sure.</p> <p>5 Q Do you know whether she ever</p> <p>6 complained to someone in management?</p> <p>7 A I'm -- I was worried about</p> <p>8 myself. I'm not sure if she complained for</p> <p>9 herself or not.</p> <p>10 Q Going back to your conversation</p> <p>11 with Mary Ann about the mechanics, was there</p> <p>12 anything else that was discussed between you</p> <p>13 and Mary Ann during that conversation?</p> <p>14 A During that conversation?</p> <p>15 Q Correct.</p> <p>16 A Not that I recall.</p> <p>17 Q Okay. Other than your complaint</p> <p>18 to Melvin that we talked about and your</p> <p>19 complaint to Mary Ann, were there any other</p> <p>20 complaints that you made about the mechanics</p> <p>21 pushing you out of the way or using bad</p> <p>22 language?</p> <p>23 A I made the same complaints to</p>



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1 mean.  
 2 A Right.  
 3 Q So, no one else in management?  
 4 A Not that I'm aware of.  
 5 Q And other than the things that  
 6 we've discussed here, the pushing you out of  
 7 the way, the bad language, the things that  
 8 you've mentioned here just now, was there  
 9 anything else about the way the mechanics  
 10 treated you that you had a problem with?  
 11 A In general, I mean, they felt  
 12 like a woman could not do the man's job.  
 13 Q And you told me about a  
 14 particular mechanic who made that comment to  
 15 you, correct?  
 16 A Right. And the others agreed.  
 17 Q How do you know that they agreed?  
 18 A Because of the way they treated  
 19 me, shoving me out of the way, calling me  
 20 names, "Get your ass back to your machine.  
 21 Oh, hell, just run the son of a bitch."  
 22 Q Was there anything other than  
 23 those things that you've described for me

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1 else that you felt that the mechanics did to  
 2 you that you had a problem with?  
 3 A I don't understand what you are  
 4 asking me.  
 5 Q Well, I'm trying to -- I mean,  
 6 you've sued the company for the way you were  
 7 treated. And I'm trying to find out what  
 8 treatment it is you are complaining about.  
 9 Okay?  
 10 A Right.  
 11 Q And you've described for me some  
 12 things that you didn't like about the way the  
 13 mechanics treated you. I'm trying to make  
 14 sure that you've described for me all of  
 15 those things, if there are some things that  
 16 I'm missing. Are there any other things that  
 17 the mechanics did that you had a problem  
 18 with?  
 19 A Not that I can think of right  
 20 now. I had a problem with Tom Beard.  
 21 Q What problem did you have with  
 22 Tom Beard?  
 23 A He would come in in the morning

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1 times -- and it wasn't every day. But he  
 2 would come in, and if I wasn't smiling, he  
 3 would ask me what was wrong, did I not have  
 4 somebody that morning to lick me from head to  
 5 toe, to turn me over and lick me from my back  
 6 side down in between all your crevices.  
 7 Q How many times did Tom Beard make  
 8 that kind of comment to you?  
 9 A At least 15. And I reported it  
 10 to Melvin Hutchins.  
 11 Q When did these comments occur?  
 12 A Probably in the last year, two  
 13 years that I worked there, it got worse.  
 14 When I went to the can line, that was where  
 15 Tom was. Not the last year, but --  
 16 Q So, you were --  
 17 A At some point he went on leave,  
 18 and it was before he went on leave.  
 19 Q Before Tom went on leave?  
 20 A Yes, ma'am.  
 21 Q Did Tom ever return from leave  
 22 before you left?  
 23 A I'm not sure.

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1 Q But after he went on leave, you  
 2 didn't have problems with him anymore. Your  
 3 problems with him were before he went on  
 4 leave?  
 5 A Yes, ma'am.  
 6 Q You said this was on the can  
 7 line. Which -- which line was that? Was  
 8 that line three?  
 9 A It all -- they moved me from  
 10 three, four and five. It depended on the  
 11 schedule, what lines were running.  
 12 Q Okay.  
 13 A If line three was running, I was  
 14 on -- normally I was on line three. That was  
 15 my position.  
 16 Q What I'm trying to find out is  
 17 you were on line one for a period of time,  
 18 correct?  
 19 A Yes, ma'am.  
 20 Q And you said you bid on a  
 21 position and then moved to line three?  
 22 A I went to line three in -- I  
 23 believe it was the end of '05.

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1 **about Fannie, correct?**  
 2 A I complained about that. I  
 3 complained about Fannie throwing my vacation  
 4 paper in the garbage and me having to get  
 5 another one.  
 6 MR. CRUM: Vacation what? I'm  
 7 sorry.  
 8 A My vacation paper request. I  
 9 complained about the guys leaving the line  
 10 and leaving me there and other females there  
 11 to run it, but it was okay that they left.  
 12 **Q You said you complained about**  
 13 **guys making liquid nitrogen bombs.**  
 14 A Yes, ma'am.  
 15 **Q Who was that?**  
 16 A Chris Cassidy.  
 17 **Q Anybody else?**  
 18 A There was another one, and I -- I  
 19 don't -- I don't remember his name.  
 20 **Q When did that occur?**  
 21 A Whenever I was on line two.  
 22 **Q Do you recall when you were on**  
 23 **line two?**

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1 A I was swapped around so often. I  
 2 just went where they needed me. So, I'm not  
 3 --  
 4 **Q I'm trying to figure out kind of**  
 5 **what time frame, where that fit into the rest**  
 6 **of your employment.**  
 7 A It was when Glenn was employed  
 8 there. Because I reported it to Glenn, and  
 9 he said he was going to do an investigation.  
 10 And after he did an investigation, he  
 11 informed me there was no foundation to it,  
 12 but yet he had -- the one he had questioned  
 13 was Chris' best friend. His best friend came  
 14 back to me and told me Glenn had questioned  
 15 him about it, and he told him no, that wasn't  
 16 happening.  
 17 I complained about not being able  
 18 to go to a Christmas party without Glenn  
 19 getting in my face, and my husband having to  
 20 step up. Shortly after that Christmas party  
 21 Mary Ann, when we had a safety meeting,  
 22 instructed the group that in a Christmas  
 23 party, even if it's not on business property,

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1 if your husband does something, your spouse  
 2 does something, you could still be fired.  
 3 **Q Let's --**  
 4 A I complained about any man that  
 5 treated me like dirt out there.  
 6 **Q Would you say that you were**  
 7 **complaining to somebody at least once a week?**  
 8 A At least.  
 9 **Q Would you say you were**  
 10 **complaining to somebody more than once a day?**  
 11 A If necessary.  
 12 **Q So, sometimes it was every day**  
 13 **that you were making a complaint --**  
 14 A I went through the chain --  
 15 **Q Let me finish the question.**  
 16 **Okay?**  
 17 A Yes, ma'am.  
 18 **Q Would you say there were times**  
 19 **where you were actually making complaints**  
 20 **about other employees every day?**  
 21 A Not other employees, just the men  
 22 that were treating me like crap.  
 23 **Q But those were -- those men were**

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1 **other employees, correct?**  
 2 A If they treated me like crap that  
 3 day, I complained.  
 4 **Q I'm going to ask you one more**  
 5 **time. Try really hard to let me finish my**  
 6 **question. She can't type me and you at the**  
 7 **same time. Okay?**  
 8 A Yes, ma'am.  
 9 **Q There were times when you were**  
 10 **complaining every day; is that correct?**  
 11 A If they cussed me out every day,  
 12 I did. If Frank Williams pushed me, cussed  
 13 me out, talked about sex, talked about blow  
 14 jobs, yes, ma'am, I complained every day,  
 15 sometimes twice a day.  
 16 **Q Who do you -- who did you**  
 17 **complain to about Frank Williams talking**  
 18 **about sex or blow jobs?**  
 19 A Melvin Hutchins, Chris Jordan.  
 20 **Q Anybody else?**  
 21 A Tommy Nance.  
 22 **Q Anybody else?**  
 23 A I'm not sure. I think that's it.

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13

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<p>1 <b>Q Was it a male or a female?</b></p> <p>2 A It was a female.</p> <p>3 <b>Q White or African American?</b></p> <p>4 A African American.</p> <p>5 <b>Q Was it someone that worked with</b></p> <p>6 <b>you on line three?</b></p> <p>7 A I don't believe so.</p> <p>8 <b>Q Was it someone that you knew and</b></p> <p>9 <b>you just can't remember the name, or you</b></p> <p>10 <b>never knew the person's name?</b></p> <p>11 A I'm sure I knew their name. We</p> <p>12 have our names on our shirts.</p> <p>13 <b>Q So, you knew the name back</b></p> <p>14 <b>then --</b></p> <p>15 A Yes, ma'am.</p> <p>16 <b>Q -- at the time? And what did</b></p> <p>17 <b>that person tell you?</b></p> <p>18 A That Frank was making threats on</p> <p>19 me.</p> <p>20 <b>Q Anything else that they told you</b></p> <p>21 <b>about things that Frank said about you?</b></p> <p>22 A That he was sick and tired of my</p> <p>23 ass.</p>	<p>1 with them. In my training, I had it on my</p> <p>2 own. They claimed that Mark Beard was</p> <p>3 supposed to be training me, but they assigned</p> <p>4 Mark Beard to watch labels.</p> <p>5 <b>Q Was there any other training that</b></p> <p>6 <b>you say you did not receive?</b></p> <p>7 A I shut the machine down when it</p> <p>8 got so bad with the bad labels. I paged for</p> <p>9 Melvin. Buck Perkins came. He asked me what</p> <p>10 my problem was, and I said, "I want to know</p> <p>11 who's training me."</p> <p>12 <b>Q This is in the same time period</b></p> <p>13 <b>that Mark Beard was supposed to be training</b></p> <p>14 <b>you?</b></p> <p>15 A Yes, ma'am.</p> <p>16 <b>Q Okay. What I'm trying to figure</b></p> <p>17 <b>out is not what you did about it. My</b></p> <p>18 <b>question was was there any other training you</b></p> <p>19 <b>didn't receive while you were employed at</b></p> <p>20 <b>Flavor House?</b></p> <p>21 A Any other training?</p> <p>22 <b>Q Correct.</b></p> <p>23 A Not that I'm aware of. On line</p>
Page 267	Page 269
<p>1 <b>Q Anything else?</b></p> <p>2 A I -- I'm not sure. I went and</p> <p>3 reported it to Melvin.</p> <p>4 (Defendant's Exhibit</p> <p>5 19 was marked for</p> <p>6 identification.)</p> <p>7 <b>Q I would like to show you what</b></p> <p>8 <b>I've marked as Defendant's Exhibit 19, and</b></p> <p>9 <b>ask you if that is a copy of the Complaint</b></p> <p>10 <b>that was filed on your behalf in this</b></p> <p>11 <b>lawsuit?</b></p> <p>12 A Yes, ma'am.</p> <p>13 <b>Q Turn, if you would, to Page 3 of</b></p> <p>14 <b>that document and look, if you would, at the</b></p> <p>15 <b>paragraph numbered 16. It says you -- the</b></p> <p>16 <b>discrimination continued even after you</b></p> <p>17 <b>finally received the position. And I assume</b></p> <p>18 <b>that's the label operator. Correct?</b></p> <p>19 A Yes, ma'am.</p> <p>20 <b>Q Okay. That you did not receive</b></p> <p>21 <b>the training that the male operators</b></p> <p>22 <b>received. What training did you not receive?</b></p> <p>23 A The males had another male</p> <p>employee to train them, to stand up there</p>	<p>1 three, when I went to line -- I had a brief</p> <p>2 period where Frank Williams was supposed to</p> <p>3 be training me on the line three label</p> <p>4 machine. And after he called me a fucking</p> <p>5 stupid bitch, they assigned James Porter to</p> <p>6 work with me.</p> <p>7 <b>Q All right. We discussed that</b></p> <p>8 <b>last time. I will move to strike as</b></p> <p>9 <b>nonresponsive.</b></p> <p>10 MR. CRUM: And I would like an</p> <p>11 objection on the record to the nonresponsive</p> <p>12 nature of the witness' answers. Almost every</p> <p>13 question she adds what she wants to add and</p> <p>14 rarely answers the question. So, I object to</p> <p>15 that as being nonresponsive. And I would</p> <p>16 like to make a continuing objection to that.</p> <p>17 MS. ROBERTSON: Under the federal</p> <p>18 rules, you can't make a continuing objection.</p> <p>19 MR. CRUM: Then I will object and</p> <p>20 continue to interrupt.</p> <p>21 <b>Q Look, if you would, at Page 4,</b></p> <p>22 <b>Paragraph 20. You said, "The plaintiff's</b></p> <p>23 <b>supervisor was aware of the discriminatory</b></p>

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<p>1 A No, ma'am.</p> <p>2 <b>Q Do you know whether Frank</b></p> <p>3 <b>Williams ever complained to anyone that he</b></p> <p>4 <b>felt threatened by your conduct?</b></p> <p>5 A No, ma'am.</p> <p>6 <b>Q You claim in your lawsuit that</b></p> <p>7 <b>you were subjected to retaliation; is that</b></p> <p>8 <b>correct?</b></p> <p>9 A Yes, ma'am.</p> <p>10 <b>Q What are you claiming you were</b></p> <p>11 <b>being retaliated against for doing? In other</b></p> <p>12 <b>words, what did you do that you believe</b></p> <p>13 <b>prompted the retaliation?</b></p> <p>14 A I complained.</p> <p>15 <b>Q And you are talking about all</b></p> <p>16 <b>these various complaints, the daily</b></p> <p>17 <b>complaints that you were making?</b></p> <p>18 A About the men.</p> <p>19 <b>Q And what do you claim was done to</b></p> <p>20 <b>you that was retaliatory?</b></p> <p>21 A When I complained, I was written</p> <p>22 up.</p> <p>23 <b>Q You are talking about the</b></p>	<p>1 afternoon.</p> <p>2 <b>Q How many times were you called</b></p> <p>3 <b>into the office and verbally warned?</b></p> <p>4 A I'm not sure.</p> <p>5 <b>Q Was it more than ten times?</b></p> <p>6 A I'm not sure.</p> <p>7 <b>Q Was it more than 50 times?</b></p> <p>8 A I don't believe so.</p> <p>9 <b>Q Anything else that you claim was</b></p> <p>10 <b>done to you that was retaliatory?</b></p> <p>11 A Yes, ma'am.</p> <p>12 <b>Q What?</b></p> <p>13 A They did not take -- they did not</p> <p>14 defend me. Flavor House did not stand up for</p> <p>15 me and protect me and give me a safe</p> <p>16 environment to work in.</p> <p>17 <b>Q And when you say all of that,</b></p> <p>18 <b>what you are really saying is they didn't</b></p> <p>19 <b>fire Frank, right?</b></p> <p>20 MS. ROBERTSON: Objection. There</p> <p>21 were other people.</p> <p>22 MS. SWAIN: Ann, I would like for</p> <p>23 you to reserve your comments. You may state</p>
Page 275	Page 277
<p>1 <b>write-up for telling people about Frank</b></p> <p>2 <b>Williams being a registered sex offender?</b></p> <p>3 A When I made a complaint, I was</p> <p>4 always either written up or called into the</p> <p>5 office and it was turned around as my fault.</p> <p>6 They would find something to write me up</p> <p>7 or -- or verbally warn me about. First they</p> <p>8 would say stay at the machine. Then they</p> <p>9 would say leave -- don't stay by the</p> <p>10 machine. It was always when I made a</p> <p>11 complaint.</p> <p>12 <b>Q And that was pretty much every</b></p> <p>13 <b>day, correct?</b></p> <p>14 MS. ROBERTSON: Object.</p> <p>15 A If I was cussed out that day.</p> <p>16 <b>Q So, were you called into the</b></p> <p>17 <b>office pretty much every day and verbally</b></p> <p>18 <b>warned?</b></p> <p>19 A No, ma'am.</p> <p>20 <b>Q When were you called into the</b></p> <p>21 <b>office and verbally warned?</b></p> <p>22 A If they had came by and I made a</p> <p>23 complaint. A lot of times it would be in the</p>	<p>1 an objection if you are not -- if you don't</p> <p>2 like the question.</p> <p>3 MS. ROBERTSON: Well, you are --</p> <p>4 but you mischaracter -- I object. You</p> <p>5 mischaracterize the evidence and are --</p> <p>6 MS. SWAIN: That's not true.</p> <p>7 MS. ROBERTSON: -- attempting to</p> <p>8 ignore the evidence.</p> <p>9 MS. SWAIN: Okay. That's your</p> <p>10 objection. That's fine. But you are not to</p> <p>11 tell her what the testimony is.</p> <p>12 MS. ROBERTSON: I haven't told</p> <p>13 her anything.</p> <p>14 <b>Q When you say that you felt like</b></p> <p>15 <b>they didn't give you a safe environment to</b></p> <p>16 <b>work in, are you saying -- is what you are</b></p> <p>17 <b>talking about there not firing Frank?</b></p> <p>18 A I'm talking about -- the entire</p> <p>19 time I worked there, I'm talking about if I</p> <p>20 as a female were to cuss an employee,</p> <p>21 co-worker, throw a jar at them to get their</p> <p>22 attention, shoved them out of the way, I</p> <p>23 would no longer be employed there.</p>



(Pages 282 to 285)

17

Page 282

1 **Report you received in late March or early**  
 2 **April 2002.**  
 3 A Yes, ma'am.  
 4 **Q And this write-up was for raising**  
 5 **your voice or hollering at Shavonne Townsend?**  
 6 A Yes, ma'am.  
 7 **Q And you admitted on this occasion**  
 8 **that you raised your voice to Shavonne**  
 9 **because you were very irritated with her?**  
 10 A Yes, ma'am.  
 11 **Q Was this write-up deserved, in**  
 12 **your opinion?**  
 13 A No, ma'am.  
 14 **Q Why -- why was it not deserved?**  
 15 A I was running the case packer and  
 16 Shavonne was by the -- over at the filler,  
 17 and I was hollering for her to call a  
 18 mechanic. The case packer is very loud. The  
 19 filler is very loud. I had -- I got  
 20 irritated because I had to holler three, four  
 21 times to get her attention to call a  
 22 mechanic. She was talking to another  
 23 employee.

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1 **Q So, you thought you were**  
 2 **justified in yelling at Shavonne, correct?**  
 3 A Well, you have ear plugs in your  
 4 ear. It's hard to -- you've got to holler to  
 5 get somebody's attention. But after this I  
 6 started whistling.  
 7 **Q My question is do you feel like**  
 8 **you were justified in hollering at Shavonne?**  
 9 A Yes, ma'am.  
 10 (Defendant's Exhibit  
 21 was marked for  
 11 identification)  
 12 **Q We've already talked about this**  
 13 **situation, but I'm just going to go over the**  
 14 **written documentation with you. This is what**  
 15 **I've marked as Defendant's Exhibit 21. I'm**  
 16 **going to ask you if that's a copy of the**  
 17 **Counseling Report that was given to you for**  
 18 **using offensive language towards John -- is**  
 19 **it Milsap or Metcalf?**  
 20 A I'm not sure.  
 21 **Q But we are talking about the guy**  
 22 **that you claimed threw peanuts at you,**  
 23 **correct?**

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1 A Yes, ma'am, a jar.  
 2 **Q A jar of peanuts. And I think**  
 3 **you testified the last time that John was**  
 4 **given a suspension over this incident?**  
 5 A That's what I was told.  
 6 **Q Who told you that?**  
 7 A Melvin Hutchins.  
 8 **Q We discussed both a little bit**  
 9 **this time and the last time you were here**  
 10 **that when you first started at Flavor House,**  
 11 **you were not made a label operator as quickly**  
 12 **as you would like to have been, correct?**  
 13 A I would have liked to been given  
 14 the chance before people off the street.  
 15 **Q And you claim you should have**  
 16 **been -- you were ultimately made into a label**  
 17 **operator, correct?**  
 18 A Yes, ma'am.  
 19 **Q And your complaint is that that**  
 20 **should have happened earlier, in your view?**  
 21 A Yes, ma'am.  
 22 **Q Were there any other positions**  
 23 **that you claim you should have been given or**

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1 **promotions you claim you should have been**  
 2 **given at Flavor House?**  
 3 A Just the label operator was all I  
 4 was seeking for.  
 5 **Q And once you received that**  
 6 **position, you were satisfied with that**  
 7 **position?**  
 8 A Until they came out with the  
 9 levels.  
 10 **Q Right. And we talked about that**  
 11 **before.**  
 12 A Yes, ma'am.  
 13 **Q But there were no other**  
 14 **promotions that you didn't -- that you sought**  
 15 **but did not receive?**  
 16 A Yes, ma'am. I tried to transfer  
 17 one time to line three label machine when it  
 18 became open.  
 19 **Q When was that?**  
 20 A It might have been early '05.  
 21 **Q Do you know who received that**  
 22 **position?**  
 23 A Yes, ma'am, but I don't remember

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<p>1 reason for him referring you to a mental</p> <p>2 health provider?</p> <p>3 A Because of the things that I --</p> <p>4 I've told him when I visit him.</p> <p>5 Q What things have you told him</p> <p>6 that prompted him to refer you to a mental</p> <p>7 health provider?</p> <p>8 A I just go from work to home. I</p> <p>9 don't go anywhere. I don't care to go</p> <p>10 anywhere. I have difficulty with men I don't</p> <p>11 know. I call the police to check on me a lot</p> <p>12 at work.</p> <p>13 Q At your current job?</p> <p>14 A Yes, ma'am. I went to work in</p> <p>15 Dothan one night, and I had my husband stay</p> <p>16 with me until I got off. I have nightmares.</p> <p>17 My husband says I scream in my sleep. And I</p> <p>18 -- I just -- with the threats that Frank</p> <p>19 made, I think that eventually he'll come</p> <p>20 after me.</p> <p>21 Q Have you had any contact with</p> <p>22 Frank Williams since you left your employment</p> <p>23 at Flavor House?</p>	<p>1 Q Have you ever run into him when</p> <p>2 you were out shopping or at a restaurant or</p> <p>3 anything like that?</p> <p>4 A I don't go out.</p> <p>5 Q So, is the answer no?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And since my question may not</p> <p>8 have been very good, you have not run into</p> <p>9 Frank; is that correct?</p> <p>10 A No, ma'am.</p> <p>11 Q I'm still not getting anywhere.</p> <p>12 A I have not ran into Frank.</p> <p>13 Q There you go. Thank you. Do you</p> <p>14 know whether Flavor House did any kind of</p> <p>15 background check on you at the time that you</p> <p>16 were hired?</p> <p>17 A I'm not for certain. I believe</p> <p>18 they didn't start doing background checks</p> <p>19 until the new management came in.</p> <p>20 Q And when you say the new</p> <p>21 management came in, you mean when Mary Ann</p> <p>22 came?</p> <p>23 A Yes, ma'am.</p>
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<p>1 A No, ma'am.</p> <p>2 Q To your knowledge, has Frank ever</p> <p>3 tried to call you?</p> <p>4 A I changed my number.</p> <p>5 Q To your knowledge, has Frank ever</p> <p>6 tried to call you?</p> <p>7 A No, ma'am.</p> <p>8 Q You work at a convenience store,</p> <p>9 a gas station; is that correct?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And that's there in Dothan?</p> <p>12 A No, ma'am.</p> <p>13 Q Where is it?</p> <p>14 A In Headland.</p> <p>15 Q Headland?</p> <p>16 A Yes, ma'am.</p> <p>17 Q How far is that from Dothan?</p> <p>18 A Maybe 10 miles.</p> <p>19 Q Has Frank ever come to your place</p> <p>20 of business?</p> <p>21 A No, ma'am.</p> <p>22 Q Has he ever come to your home?</p> <p>23 A Not that I'm aware of.</p>	<p>1 Q Okay. Do you know Flavor House's</p> <p>2 -- well, do you know at the time of your hire</p> <p>3 what Flavor House's policy was on hiring</p> <p>4 people who had criminal convictions?</p> <p>5 A No, ma'am.</p> <p>6 Q And you had a criminal conviction</p> <p>7 at the time of your hire, correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And that was for the marijuana</p> <p>10 possession charge?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And you pled guilty to that?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And your original sentence was</p> <p>15 two years' probation; is that correct?</p> <p>16 A Original, I believe it was one</p> <p>17 year.</p> <p>18 Q And then it was extended at some</p> <p>19 point?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Do you know why it was extended?</p> <p>22 A On my request.</p> <p>23 Q It was extended on your request?</p>

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1 **not receive unemployment benefits; is that**  
 2 **right?**  
 3 MS. ROBERTSON: Object.  
 4 A That in the state of Alabama if  
 5 you are not fired is the term, then you don't  
 6 receive your unemployment.  
 7 **Q Was it your understanding that**  
 8 **they determined that you should not receive**  
 9 **unemployment?**  
 10 A Yes, ma'am.  
 11 **Q And did you receive a copy of**  
 12 **what I'm going to mark as Defendant's Exhibit**  
 13 **22 from the state of Alabama?**  
 14 (Defendant's Exhibit  
 15 22 was marked for  
 16 identification)  
 16 A Yes, ma'am.  
 17 **Q Did you appeal this**  
 18 **determination?**  
 19 A No, ma'am.  
 20 **Q Have you paid back the**  
 21 **unemployment compensation benefits that you**  
 22 **had received prior to the -- this**  
 23 **determination?**

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1 A No, ma'am.  
 2 **Q Has that money been requested**  
 3 **from you?**  
 4 A Yes, ma'am.  
 5 (Defendant's Exhibit  
 6 23 was marked for  
 7 identification)  
 7 **Q I'm also going to show you what**  
 8 **I'm going to mark as Defendant's Exhibit 23**  
 9 **and ask you if this is a Notice of Right to**  
 10 **Sue that you received from the EEOC.**  
 11 A Yes, ma'am.  
 12 **Q Do you recall when you received**  
 13 **this document?**  
 14 A No, ma'am.  
 15 **Q Are you aware that your attorney**  
 16 **requested that the EEOC issue this**  
 17 **determination or this document?**  
 18 A Yes, ma'am.  
 19 **Q And did you request the right to**  
 20 **sue so that you could go ahead and file a**  
 21 **lawsuit?**  
 22 MS. ROBERTSON: Object. She  
 23 didn't request it.

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1 A I'm not sure what you are asking.  
 2 **Q Do you know why this Notice of**  
 3 **Right to Sue was requested from the EEOC?**  
 4 MS. ROBERTSON: Don't -- don't  
 5 tell her anything you might have learned from  
 6 one of us, either me or Bobbie.  
 7 **Q I'm not asking about a**  
 8 **conversation you've had with your lawyers.**  
 9 MS. ROBERTSON: Well, how else  
 10 would she learn --  
 11 MR. CRUM: Who knows.  
 12 MS. SWAIN: Let her answer the  
 13 questions, Ann.  
 14 MS. ROBERTSON: All right.  
 15 MS. SWAIN: If you have an  
 16 objection, you can state it. You and I have  
 17 both told her not to relate to me any  
 18 conversation that she's had with you or  
 19 Bobbie.  
 20 MS. ROBERTSON: And I'm not  
 21 making an objection. I'm asserting a  
 22 privilege, which is different.  
 23 MS. SWAIN: I'm well aware of

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1 what a privilege is, and I've asked not to  
 2 let me know of any conversations she's had  
 3 with you or Bobbie.  
 4 A I'm -- I'm still not sure what  
 5 you're asking.  
 6 **Q What my question was is whether**  
 7 **you know why -- and you indicated that you**  
 8 **were aware that this -- that this Notice of**  
 9 **Right to Sue was requested, correct? It was**  
 10 **issued on request?**  
 11 A Yes, ma'am.  
 12 **Q Do you know why the request was**  
 13 **made?**  
 14 MS. ROBERTSON: And don't tell  
 15 her if you learned from me or Bobbie.  
 16 A All I know is I went to an  
 17 attorney --  
 18 **Q Well, don't tell me --**  
 19 **-- on my behalf.**  
 20 **Q -- about conversations with your**  
 21 **attorneys. Okay? So, you don't -- you don't**  
 22 **have any idea why this was requested besides**  
 23 **conversations with your attorneys?**

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1 interrogatory responses that you -- you went  
 2 to Personnel Resources in September of 2006.  
 3 A I believe so.  
 4 Q And you began working at A.W.  
 5 Herndon Oil in October of 2006?  
 6 A Yes, ma'am.  
 7 Q Did you make any effort to find  
 8 employment between June 21st 2006 and  
 9 September of 2006?  
 10 A Yes, ma'am.  
 11 Q What effort did you make to find  
 12 employment in that time period?  
 13 A I went to the unemployment office  
 14 and on their computer. I used a friend's  
 15 computer looking for jobs. I applied  
 16 continuously at Redwood in Headland.  
 17 Q What is Redwood?  
 18 A They make furniture.  
 19 Q Did you apply anywhere else?  
 20 A I applied at Red Star.  
 21 Q What is that?  
 22 A A yeast plant.  
 23 Q Anywhere else you applied?

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1 A I can't remember them all.  
 2 Q Did you get an interview at  
 3 Redwood?  
 4 A I don't believe it was an  
 5 interview. I just met the person over HR,  
 6 and he told me they were slowing down.  
 7 Q When was that?  
 8 MR. CRUM: I don't think it's  
 9 called Redwood now, is it?  
 10 MS. ROBERTSON: Object.  
 11 MR. CRUM: Just trying to help  
 12 out.  
 13 A I -- I'm not sure of the dates.  
 14 I know I called the secretary like every  
 15 Friday.  
 16 Q And did you interview with  
 17 anybody or speak with anybody at Red Star?  
 18 A Yes, ma'am.  
 19 Q Who did you speak to there?  
 20 A I don't know his name.  
 21 Q Was that an interview?  
 22 A Yes, ma'am.  
 23 Q When was your interview at Red

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1 Star?  
 2 A I'm not sure.  
 3 Q Were you offered a job there?  
 4 A No, ma'am.  
 5 Q Were you told why you were not  
 6 offered a job?  
 7 A I believe I didn't have the  
 8 qualifications.  
 9 Q Now, after you began working at  
 10 -- well, strike that.  
 11 A.W. Herndon Oil, was that a gas  
 12 station, also?  
 13 A Yes, ma'am.  
 14 Q And you began working there in  
 15 October of 2006?  
 16 A Yes, ma'am.  
 17 Q After you began working there,  
 18 did you continue to seek employment anywhere  
 19 else, or were you satisfied with your  
 20 position at the gas station?  
 21 A I didn't want to leave Headland.  
 22 Q My question was did you continue  
 23 to seek other employment after you began

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1 working at A.W. Herndon Oil.  
 2 A Just looking on the computer.  
 3 Q Did you apply for any other  
 4 positions after you started working at that  
 5 gas station?  
 6 A No, ma'am. I didn't want to  
 7 leave Headland.  
 8 Q And then you stopped working in  
 9 March 2007, correct --  
 10 A Yes, ma'am.  
 11 Q -- at A.W. Herndon Oil? And you  
 12 began working at Southeastern Oil gas station  
 13 in June of 2007?  
 14 A Yes, ma'am.  
 15 Q And you are still employed there  
 16 now?  
 17 A Yes, ma'am.  
 18 Q Did you leave A.W. Herndon Oil  
 19 voluntarily?  
 20 A Yes, ma'am.  
 21 Q How long -- well, let me ask you  
 22 this: Were you physically unable to work  
 23 when you left your employment at A.W. Herndon



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<p>1 <b>first gas station?</b></p> <p>2 A I believe so.</p> <p>3 <b>Q What kind of company is Schwinco?</b></p> <p>4 A They make hurricane windows.</p> <p>5 <b>Q How do you spell it?</b></p> <p>6 A S-C-H-W-I-N-C-O.</p> <p>7 <b>Q And what did you do there? What</b></p> <p>8 <b>was your job?</b></p> <p>9 A It was various things. You had</p> <p>10 to take a -- it was through the unemployment</p> <p>11 office. You had to take night classes, and</p> <p>12 then they picked certain ones out of the</p> <p>13 classes.</p> <p>14 <b>Q So, did you ever actually work</b></p> <p>15 <b>there, or you just went to the classes?</b></p> <p>16 A I worked there.</p> <p>17 <b>Q Had you already gone to the</b></p> <p>18 <b>classes when you started working there?</b></p> <p>19 A You have to go through the</p> <p>20 classes before you --</p> <p>21 <b>Q First?</b></p> <p>22 A Yes, ma'am.</p> <p>23 <b>Q Where did you take the classes?</b></p>	<p>1 <b>Q That was part of your job?</b></p> <p>2 A Yes, ma'am. When I finished with</p> <p>3 my job, that's what we did.</p> <p>4 <b>Q Who was your supervisor at</b></p> <p>5 <b>Schwinco?</b></p> <p>6 A It's family owned.</p> <p>7 <b>Q Any other reasons why you left</b></p> <p>8 <b>your employment at Schwinco?</b></p> <p>9 A I -- I -- I wanted to be closer</p> <p>10 at home.</p> <p>11 <b>Q Have you talked to Kim Perkins</b></p> <p>12 <b>about your lawsuit?</b></p> <p>13 A She knows I have a lawsuit.</p> <p>14 <b>Q Because you told her that?</b></p> <p>15 A Yes, ma'am.</p> <p>16 <b>Q What conversations have you had</b></p> <p>17 <b>with Kim Perkins about your lawsuit?</b></p> <p>18 A Just that it's been hell and</p> <p>19 that -- I want her to make sure that she</p> <p>20 understands every time she calls me and tell</p> <p>21 me something, that I call my lawyers and tel</p> <p>22 them.</p> <p>23 <b>Q Have you asked Kim Perkins to</b></p>
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<p>1 A At Schwinco.</p> <p>2 <b>Q Oh, the classes were there. How</b></p> <p>3 <b>long were you going to classes at Schwinco?</b></p> <p>4 A I believe it was three and a</p> <p>5 half.</p> <p>6 <b>Q Weeks?</b></p> <p>7 A Nights.</p> <p>8 MS. ROBERTSON: With that buzzing</p> <p>9 over there and my bleeping, I think sometimes</p> <p>10 it gets -- you can't hear.</p> <p>11 <b>Q So, you went to classes there for</b></p> <p>12 <b>three and a half nights, and then you worked</b></p> <p>13 <b>there for how long?</b></p> <p>14 A I believe it was a week or a week</p> <p>15 and a half.</p> <p>16 <b>Q And did you leave your employment</b></p> <p>17 <b>voluntarily with Schwinco?</b></p> <p>18 A Yes, ma'am.</p> <p>19 <b>Q Why did you leave your</b></p> <p>20 <b>employment?</b></p> <p>21 A I was un -- one, I was unable to</p> <p>22 carry the hurricane windows, to lift the</p> <p>23 hurricane windows continuously.</p>	<p>1 <b>testify on your behalf in this lawsuit?</b></p> <p>2 A She's volunteered to.</p> <p>3 <b>Q Have you asked Bruce Cassidy to</b></p> <p>4 <b>testify on your behalf in this lawsuit?</b></p> <p>5 A No, ma'am.</p> <p>6 <b>Q Have you talked to him since you</b></p> <p>7 <b>left your employment at Flavor House?</b></p> <p>8 A Yes, ma'am.</p> <p>9 <b>Q When was that?</b></p> <p>10 A Probably a month, two months</p> <p>11 after I left, Bruce would -- I called Bruce</p> <p>12 and asked him could I put him down as a</p> <p>13 reference. And he said, "Of course," and</p> <p>14 asked me how I was doing.</p> <p>15 <b>Q Have you had any other</b></p> <p>16 <b>conversations with Bruce since leaving Flavor</b></p> <p>17 <b>House?</b></p> <p>18 A We've had two or three different</p> <p>19 conversations.</p> <p>20 <b>Q Have you talked to him at all</b></p> <p>21 <b>about your lawsuit?</b></p> <p>22 A No, ma'am.</p> <p>23 <b>Q What about David Helms? Have you</b></p>

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1 **Q** Okay. When was that?  
 2 **A** Probably about every two weeks.  
 3 **Q** So, is she a good friend of  
 4 yours?  
 5 **A** Yes, ma'am.  
 6 **Q** Have you talked to her about your  
 7 lawsuit?  
 8 **A** I've said that we are -- I'm  
 9 going to court.  
 10 **Q** Have you asked her to testify on  
 11 your behalf?  
 12 **A** Yes, ma'am.  
 13 **Q** And has she agreed to do that?  
 14 **A** Yes, ma'am.  
 15 **Q** What testimony do you think Linda  
 16 Jackson could offer?  
 17 **A** She also had problems with Frank  
 18 Williams at work and outside of work at the  
 19 Flavor House softball games.  
 20 **Q** You indicate in your  
 21 interrogatory responses that he threw a bat  
 22 at her?  
 23 **A** Yes, ma'am.

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1 **Q** Were you present when that  
 2 occurred?  
 3 **A** No, ma'am.  
 4 **Q** That's something you know from  
 5 Linda?  
 6 **A** Yes, ma'am.  
 7 **Q** Any other problems that Linda had  
 8 with Frank?  
 9 **A** I'm not sure what all of them  
 10 were. I knew that she did -- she's told me  
 11 she had problems with him, and she's told me  
 12 that Melvin and the supervisors were well  
 13 aware of it.  
 14 **Q** But you don't know the nature of  
 15 her problems?  
 16 **A** No, ma'am, other than the bat and  
 17 something happened at work.  
 18 **Q** Have you talked to John Metcalf  
 19 since leaving your employment?  
 20 **A** No, ma'am.  
 21 **Q** Have you talked to Glenn?  
 22 **A** No, ma'am.  
 23 **Q** Have you talked to David

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1 Wilkerson?  
 2 **A** No, ma'am.  
 3 **Q** Have you talked to Wiley Baxter?  
 4 **A** Yes, ma'am.  
 5 **Q** What conversation have you had  
 6 with Wiley?  
 7 **A** Wiley comes into the store. And  
 8 the first time he came into the store, I was  
 9 smiling. And he said, "I know what you are  
 10 smiling at, smiling about." And I said, "No,  
 11 you don't." And he said, "Yes, I do." And I  
 12 said, "What am I smiling about?" And he  
 13 said, "They walked old boy to the door." And  
 14 I said I -- I wasn't aware of it, and that's  
 15 not what I was smiling about.  
 16 **Q** Have you had any other  
 17 conversation with Wiley Baxter since you've  
 18 left Flavor House?  
 19 **A** Yes, ma'am, when he comes into  
 20 the store.  
 21 **Q** Anything else that was relevant  
 22 to your lawsuit?  
 23 **A** He said that they gave Frank

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1 Williams the option of resigning.  
 2 **Q** Anything else?  
 3 **A** No, ma'am.  
 4 **Q** Have you talked to Jeff Vinson  
 5 since you left Flavor House?  
 6 **A** Yes, ma'am.  
 7 **Q** What conversation have you had  
 8 with Jeff Vinson?  
 9 **A** He came into the store and said  
 10 that there were -- he started laughing, and  
 11 he said that there sure were a lot of lawyers  
 12 out there last week.  
 13 **Q** When was this?  
 14 **A** I'm not sure of the date.  
 15 **Q** Any other conversation with  
 16 Jeff Vinson about anything relating to your  
 17 lawsuit?  
 18 **A** No.  
 19 **Q** Did Jeff Vinson tell you whether  
 20 he spoke with lawyers?  
 21 **A** No, ma'am.  
 22 **Q** Have you talked to Ricky Smothers  
 23 since you left Flavor House?

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<p>1 <b>Q Any other conversations with</b></p> <p>2 <b>Beulah Davis about anything related to your</b></p> <p>3 <b>lawsuit?</b></p> <p>4 A That she expected to be paid --</p> <p>5 they told her she would probably be called,</p> <p>6 and she expected to be paid for the day if</p> <p>7 she missed work.</p> <p>8 <b>Q Anything else?</b></p> <p>9 A No, ma'am.</p> <p>10 MS. SWAIN: Are y'all ready to</p> <p>11 take lunch?</p> <p>12 MS. ROBERTSON: Sure. I need</p> <p>13 about an hour and 15 minutes because I</p> <p>14 haven't been able to get them to get us some</p> <p>15 food.</p> <p>16 VIDEOGRAPHER: We are off the</p> <p>17 record. The time is 12:27.</p> <p>18 (Lunch break was taken)</p> <p>19 VIDEOGRAPHER: This marks the</p> <p>20 beginning of videotape number three of volume</p> <p>21 two of the deposition of Linda Thornton. The</p> <p>22 time is now 1:45 p.m.</p> <p>23 MS. ROBERTSON: Can you tell me</p>	<p>1 had it.</p> <p>2 A Usually they made a day out of</p> <p>3 it.</p> <p>4 <b>Q And during your employment at</b></p> <p>5 <b>Flavor House, during those meetings you</b></p> <p>6 <b>received training, as well, on sexual</b></p> <p>7 <b>harassment; is that correct?</b></p> <p>8 A They told us to put them on</p> <p>9 notice and to walk away and to report it to a</p> <p>10 supervisor.</p> <p>11 <b>Q That's -- that's what they told</b></p> <p>12 <b>you to do during the training sessions?</b></p> <p>13 A Yes, ma'am.</p> <p>14 <b>Q Okay. Did they go over the</b></p> <p>15 <b>company's policy on sexual harassment?</b></p> <p>16 A They either went over it or</p> <p>17 handed it out.</p> <p>18 <b>Q Okay. And how many times did you</b></p> <p>19 <b>go to meetings like that that -- where the</b></p> <p>20 <b>sexual harassment policy or some discussion</b></p> <p>21 <b>of sexual harassment took place?</b></p> <p>22 A I'm not sure.</p> <p>23 <b>Q You testified earlier that --</b></p>
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<p>1 the total time that she's been being deposed,</p> <p>2 please?</p> <p>3 VIDEOGRAPHER: An hour and 43</p> <p>4 minutes. If you need the time from the other</p> <p>5 day --</p> <p>6 MS. ROBERTSON: Excuse me? I</p> <p>7 mean the total time from like last time.</p> <p>8 MS. SWAIN: By my calculations,</p> <p>9 the last time -- because I added it up before</p> <p>10 today. The last time I went three hours and</p> <p>11 42 minutes. So, I'm still good.</p> <p>12 MS. ROBERTSON: Okay. I just</p> <p>13 wanted to have some idea. Thank you.</p> <p>14 <b>Q Ms. Thornton, when you were</b></p> <p>15 <b>working at Flavor House, y'all -- y'all had</b></p> <p>16 <b>training every year on safety and similar</b></p> <p>17 <b>items; is that correct?</b></p> <p>18 A We had meetings.</p> <p>19 <b>Q You had meetings. And how long</b></p> <p>20 <b>did -- those were -- strike that.</b></p> <p>21 <b>How many meetings would you have</b></p> <p>22 <b>each year? Because I'm trying to get a sense</b></p> <p>23 <b>of how long the training was each time you</b></p>	<p>1 <b>about some comments that you claimed Frank</b></p> <p>2 <b>Williams made about his sex life.</b></p> <p>3 A Yes, ma'am.</p> <p>4 <b>Q On how many different occasions</b></p> <p>5 <b>did Frank Williams make those types of</b></p> <p>6 <b>comments to you?</b></p> <p>7 A There were several occasions when</p> <p>8 he was with his wife. And then there were</p> <p>9 several occasions when he was with his new</p> <p>10 girlfriend. And then he went back to his</p> <p>11 wife, and there were more occasions.</p> <p>12 <b>Q And when you say when he was with</b></p> <p>13 <b>her, you don't mean he was making the</b></p> <p>14 <b>comments in her presence, do you?</b></p> <p>15 A Of the girlfriend?</p> <p>16 <b>Q Either of them. In other words,</b></p> <p>17 <b>when he made comments about his sex life and</b></p> <p>18 <b>you said he was with his wife, you mean he</b></p> <p>19 <b>made those comments during a time that he was</b></p> <p>20 <b>still married to his wife, correct?</b></p> <p>21 A I'm not sure if they were still</p> <p>22 married or not.</p> <p>23 <b>Q Well, let me ask it to you this</b></p>

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<p>1 <b>Q</b> Right. There was an</p> <p>2 investigation that was being performed during</p> <p>3 that time frame?</p> <p>4 <b>A</b> That's what they said.</p> <p>5 <b>Q</b> Okay. Do you know who all they</p> <p>6 spoke to during the investigation?</p> <p>7 <b>A</b> I know that they -- I believe the</p> <p>8 only one they spoke to was Frank. And they</p> <p>9 had others, including myself, write</p> <p>10 statements.</p> <p>11 <b>Q</b> Do you know who wrote statements</p> <p>12 besides you?</p> <p>13 <b>A</b> Catherine Long, Tameaka, Mary</p> <p>14 Brooks, Frank Williams, Wesley McInnis.</p> <p>15 <b>Q</b> Anybody else?</p> <p>16 <b>A</b> Vicki Cook.</p> <p>17 <b>Q</b> Did you see any of these</p> <p>18 statements at that time? In other words,</p> <p>19 before you left your employment at Flavor</p> <p>20 House, did you see any of the statements that</p> <p>21 other employees had written?</p> <p>22 <b>A</b> No, ma'am.</p> <p>23 <b>Q</b> You've seen them since?</p>	<p>1 I think the question was is that when your</p> <p>2 nursing license was revoked. Did you have a</p> <p>3 nursing license?</p> <p>4 <b>A</b> Yes, sir.</p> <p>5 <b>Q</b> Was it revoked?</p> <p>6 <b>A</b> Yes, sir.</p> <p>7 <b>Q</b> Why was that?</p> <p>8 <b>A</b> I was arrested for possession of</p> <p>9 marijuana.</p> <p>10 <b>Q</b> Is that the one from 1999 or a</p> <p>11 different one?</p> <p>12 <b>A</b> I've only had one.</p> <p>13 <b>Q</b> So, that is the one from 1999?</p> <p>14 <b>A</b> Yes, sir.</p> <p>15 <b>Q</b> How much marijuana did you have?</p> <p>16 <b>A</b> A very small amount.</p> <p>17 <b>Q</b> And what happened from there with</p> <p>18 respect to your nursing license?</p> <p>19 <b>A</b> It was suspended and revoked.</p> <p>20 <b>Q</b> Did you have a hearing?</p> <p>21 <b>A</b> No. I didn't go to the hearing.</p> <p>22 <b>Q</b> You didn't contest it in any way?</p> <p>23 <b>A</b> No.</p>
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<p>1 <b>A</b> Yes, ma'am.</p> <p>2 <b>Q</b> But that was as part of the</p> <p>3 litigation, correct?</p> <p>4 <b>A</b> Yes, ma'am.</p> <p>5 MS. SWAIN: I think that's all</p> <p>6 I've got. Richard, your witness.</p> <p>7 MR. CRUM: You think I have any</p> <p>8 questions?</p> <p>9 EXAMINATION BY MR. CRUM:</p> <p>10 <b>Q</b> Yes, ma'am. My name is Richard</p> <p>11 Crum, and I represent Frank Williams. Okay?</p> <p>12 I don't represent Flavor House.</p> <p>13 <b>A</b> Yes, ma'am -- sir.</p> <p>14 <b>Q</b> Do you understand that?</p> <p>15 <b>A</b> Yes, sir.</p> <p>16 <b>Q</b> Some of the things that I have</p> <p>17 heard over the day and a half of our</p> <p>18 deposition I just have some questions about,</p> <p>19 because I do not know some of those details.</p> <p>20 And I just need to ask you some things about</p> <p>21 that. Is that okay?</p> <p>22 <b>A</b> Yes, sir.</p> <p>23 <b>Q</b> I heard a moment ago that you --</p>	<p>1 <b>Q</b> Why not?</p> <p>2 <b>A</b> Because I was ashamed of what I</p> <p>3 had done. I deserved the punishment.</p> <p>4 <b>Q</b> What had you done?</p> <p>5 <b>A</b> I was a nurse and I was smoking</p> <p>6 marijuana.</p> <p>7 <b>Q</b> On the job?</p> <p>8 <b>A</b> No.</p> <p>9 <b>Q</b> Was that the first time you had</p> <p>10 smoked marijuana?</p> <p>11 <b>A</b> No.</p> <p>12 <b>Q</b> How often would you smoke</p> <p>13 marijuana?</p> <p>14 <b>A</b> At that time I was working a job</p> <p>15 seven days on and seven days off, and I would</p> <p>16 smoke some during the seven days I had off.</p> <p>17 <b>Q</b> So, frequently?</p> <p>18 <b>A</b> Some during the seven days I had</p> <p>19 off.</p> <p>20 <b>Q</b> And you -- you were arrested for</p> <p>21 that. And you said you had probation for a</p> <p>22 year?</p> <p>23 <b>A</b> Yes.</p>



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<p>1 husband -- I'm sorry. It's not the</p> <p>2 questions. It's --</p> <p>3 MS. ROBERTSON: That's fine. He</p> <p>4 has to believe like his client did. So, he's</p> <p>5 just being his client.</p> <p>6 MR. CRUM: Now I'm being my</p> <p>7 client; is that right?</p> <p>8 MS. ROBERTSON: Yeah. You are</p> <p>9 bullying her like your client did. And you</p> <p>10 are doing a good job.</p> <p>11 MR. CRUM: Thank you very much.</p> <p>12 Do y'all want to take a break while she</p> <p>13 cries?</p> <p>14 MS. ROBERTSON: That's up to you.</p> <p>15 MR. CRUM: Whatever you like.</p> <p>16 MS. ROBERTSON: That's up to</p> <p>17 you. Do you want to continue to bully her,</p> <p>18 or do you want to take a break or what?</p> <p>19 MR. CRUM: It's your client.</p> <p>20 Whatever y'all want.</p> <p>21 MS. ROBERTSON: Do you want to --</p> <p>22 THE WITNESS: No. I'm fine.</p> <p>23 It's not going to stop, so --</p>	<p>1 boyfriend were having a fight, and I was</p> <p>2 covered in bruises and bloody and he had slap</p> <p>3 marks. And they asked me did I want him</p> <p>4 arrested, and I said no, and they took both</p> <p>5 of us.</p> <p>6 I do want you to understand that</p> <p>7 I'm not crying because of the answers or the</p> <p>8 questions. It's because of a man questioning</p> <p>9 me. I do want that noted.</p> <p>10 <b>Q You are crying because a man is</b></p> <p>11 <b>questioning you; is that right?</b></p> <p>12 A Yes, sir.</p> <p>13 <b>Q Okay. Did you ever brag to</b></p> <p>14 <b>anyone at Flavor House that you had a</b></p> <p>15 <b>criminal record?</b></p> <p>16 A Brag?</p> <p>17 <b>Q Yes, ma'am.</b></p> <p>18 A No.</p> <p>19 <b>Q Why not?</b></p> <p>20 A Like I said, I was ashamed of it.</p> <p>21 <b>Q Do you think that someone else</b></p> <p>22 <b>might be ashamed of their criminal record?</b></p> <p>23 A I didn't hurt anybody.</p>
Page 347	Page 349
<p>1 MS. ROBERTSON: Yeah.</p> <p>2 A My first husband, since he's six</p> <p>3 foot seven and weighs 240 pounds, no, I</p> <p>4 didn't beat the hell out of him. I defended</p> <p>5 myself.</p> <p>6 <b>Q Yes, ma'am. Tell me what</b></p> <p>7 <b>happened. That's what I'm trying to find</b></p> <p>8 <b>out.</b></p> <p>9 A He grabbed my son out of my arms,</p> <p>10 and I wouldn't allow him to have him. And I</p> <p>11 put him down and he slapped me and he pushed</p> <p>12 me, and that's when I fought back.</p> <p>13 <b>Q You put your six foot seven</b></p> <p>14 <b>husband down? Is that what you're saying?</b></p> <p>15 A No. Did I say -- I did not say I</p> <p>16 put him down. I said I fought back.</p> <p>17 <b>Q Okay.</b></p> <p>18 A If that took clawing his face and</p> <p>19 ripping his shirt off, so be it. And that</p> <p>20 was thrown out of court.</p> <p>21 <b>Q Okay. And that was why you were</b></p> <p>22 <b>arrested that time. What was the other time?</b></p> <p>23 A They were called -- me and my</p>	<p>1 <b>Q That wasn't the question, ma'am.</b></p> <p>2 A He should be ashamed of it.</p> <p>3 <b>Q Do you think anybody would</b></p> <p>4 <b>reasonably brag about a criminal record?</b></p> <p>5 A Frank Williams would.</p> <p>6 <b>Q What about you?</b></p> <p>7 A Frank Williams did.</p> <p>8 <b>Q Did you?</b></p> <p>9 A Did I?</p> <p>10 <b>Q Did you? Yes, ma'am.</b></p> <p>11 A Oh, no.</p> <p>12 <b>Q Why not? Did you brag to other</b></p> <p>13 <b>men at the plant that you could take care of</b></p> <p>14 <b>yourself?</b></p> <p>15 A I can take care of myself.</p> <p>16 <b>Q Yes, ma'am. Did you tell other</b></p> <p>17 <b>men at the plant that?</b></p> <p>18 A I don't understand what you're</p> <p>19 asking.</p> <p>20 <b>Q Did you ever tell anyone there at</b></p> <p>21 <b>the plant, other men, that you could take</b></p> <p>22 <b>care of yourself if you needed to?</b></p> <p>23 A I don't understand what you are</p>

(Pages 354 to 357)

35

Page 354

1 **Q Have you ever called the police**  
 2 **about Frank Williams for -- for any reason at**  
 3 **all?**

4 A I couldn't get to a phone.

5 **Q That's not the question, ma'am.**  
 6 **Have you ever called the police for any**  
 7 **reason about Frank Williams?**

8 A No.

9 **Q Have you ever --**

10 A Yes. I'm sorry. I have.

11 **Q You have called the police about**  
 12 **Frank Williams?**

13 A Yes, I have.

14 **Q When was that?**

15 A Around the time I got word that  
 16 they escorted him to the door, and then after  
 17 I got word that he was no longer employed at  
 18 Sara Lee.

19 **Q You called the police department?**

20 A Yes, I did.

21 **Q The Dothan Police Department?**

22 A No. The Headland Police

23 Department.

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1 **Q The Headland Police Department,**  
 2 **the same one you had sued previously?**

3 A Yes.

4 **Q And what did you ask them or say**  
 5 **to them?**

6 A That police officer is no longer  
 7 there. Flavor House hired him.

8 **Q Yes, ma'am. I understand that**  
 9 **you have a problem with that even though you**  
 10 **worked in a completely different part of the**  
 11 **plant.**

12 **My question, however, is when you**  
 13 **called the Headland Police Department about**  
 14 **Frank Williams, what did you say to them?**

15 A I asked them to come to the  
 16 store. And when they came to the store, they  
 17 asked me what was up. And I told them if  
 18 they didn't mind, could they keep an extra  
 19 eye on me, make a couple of extra rounds,  
 20 because Frank Williams had made a threat that  
 21 he -- if I ever cost him his job, he was  
 22 going to fuck me up. And now I got the word  
 23 that I had cost him his job. So, would they

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1 please just keep an eye out for me.

2 **Q Were you hesitant about calling**  
 3 **the Headland Police Department after having**  
 4 **sued them?**

5 A No.

6 **Q That -- that wasn't a problem for**  
 7 **you at all?**

8 A No.

9 **Q And am I correct in understanding**  
 10 **you haven't spoken to or seen Frank Williams**  
 11 **since your employment with Flavor House**  
 12 **ended?**

13 A No.

14 **Q You haven't seen him?**

15 A No.

16 **Q And something that was touched on**  
 17 **but I don't really think was asked is you --**  
 18 **you've said a number of times that Frank**  
 19 **Williams cussed at you, correct?**

20 A Yes.

21 **Q And it's also true that you**  
 22 **cussed at him just as frequently?**

23 A No.

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1 **Q Isn't that true?**

2 A No.

3 **Q You have cussed at Frank**  
 4 **Williams, though, haven't you?**

5 A I've told him to get the hell  
 6 away from me.

7 **Q Yes, ma'am. You've told him to**  
 8 **fuck off before, too, haven't you?**

9 A To get away from me, fuck off and  
 10 get away from me.

11 **Q Yes, ma'am. Using that word is**  
 12 **not a problem for you, is it?**

13 A If it's said to me.

14 **Q Yes, ma'am. But --**

15 A It's not appropriate.

16 **Q Using vulgar language itself is**  
 17 **not something you try to avoid?**

18 MS. ROBERTSON: Object.

19 A Yes, it is.

20 **Q Would you be surprised to learn**  
 21 **that I have heard you described as one of the**  
 22 **most vulgar individuals that worked at the**  
 23 **plant?**

(Pages 362 to 365)

37

Page 362

1 **Q** Well, do you think he thought you  
 2 **were his friend?**  
 3 **A** I'm not his friend. He knew I  
 4 **wasn't his friend. My write-ups showed that**  
 5 **I was not considered his friend.**  
 6 **Q** Okay. Well, why would -- I'm  
 7 **trying to understand why he would tell you**  
 8 **something like that without you asking,**  
 9 **without you saying anything, when you are**  
 10 **telling me you told him to shut up and go**  
 11 **away.**  
 12 **MS. ROBERTSON: Object.**  
 13 **A** You would have to ask him.  
 14 **Q** So, you don't know?  
 15 **A** No.  
 16 **Q** I represent Army Fleet Support.  
 17 **Who is it that you spoke to there about a**  
 18 **job?**  
 19 **A** One person was in the  
 20 **unemployment office at Ozark, in Ozark.**  
 21 **Q** What was their name, please?  
 22 **A** I don't know the name.  
 23 **Q** What did you tell them?

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1 **A** And it was a man.  
 2 **Q** What did you tell them about your  
 3 **work at Flavor House, you didn't like it,**  
 4 **didn't want it, didn't think you could keep**  
 5 **doing it?**  
 6 **A** Oh, no. I told them all that I  
 7 **was in an unsafe environment and that I was**  
 8 **cussed out.**  
 9 **Q** Did you tell them that you  
 10 **cussed, too?**  
 11 **A** I don't cuss people out.  
 12 **Q** Did you tell them about your  
 13 **marijuana charge?**  
 14 **A** If the application asked it.  
 15 **Q** Who at the Flavor House plant did  
 16 **you get along with? Who would you say was**  
 17 **your friend?**  
 18 **A** I could have gave you a list of  
 19 **them if I had brought my cards.**  
 20 **Q** Well, you said you didn't get  
 21 **along with Fannie Ashe, you didn't get along**  
 22 **with any of the mechanics. You didn't get**  
 23 **along with --**

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1 **MS. ROBERTSON: Object.**  
 2 **Q** -- Frank Williams, obviously.  
 3 **A** There were certain mechanics I  
 4 **got along with.**  
 5 **Q** Would you describe yourself as  
 6 **difficult to get along with?**  
 7 **A** No.  
 8 **Q** Do you think you work well with  
 9 **people?**  
 10 **A** Yes. I work with the public  
 11 **right now.**  
 12 **Q** Has anyone ever told you that you  
 13 **were difficult with respect to working with**  
 14 **people?**  
 15 **A** I'm sure Flavor House has at one  
 16 **point or another.**  
 17 **Q** Anyone besides Flavor House?  
 18 **Anybody else?**  
 19 **A** I'm not sure.  
 20 **Q** Your employer now, did you tell  
 21 **them anything related to your criminal**  
 22 **convictions?**  
 23 **A** No.

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1 **Q** Is your employment now going to  
 2 **continue? Do you plan to stay there?**  
 3 **A** I plan on staying in Headland.  
 4 **Q** Yes, ma'am. I heard that  
 5 **earlier. But I'm asking if you plan to stay**  
 6 **at that convenience store where you said you**  
 7 **work now.**  
 8 **A** And I also said if I had proper  
 9 **therapy, I might be able to get outside of**  
 10 **Headland.**  
 11 **Q** And you are telling us that you  
 12 **don't leave Headland to go to Dothan, about**  
 13 **eight miles away?**  
 14 **A** If I go, my son or my husband is  
 15 **with me.**  
 16 **Q** Yes, ma'am. But generally you  
 17 **try to stay in Headland?**  
 18 **A** Yes, sir. And the police can  
 19 **tell you that.**  
 20 **Q** How often do you talk to the  
 21 **police about anything?**  
 22 **A** Every time they come up there.  
 23 **Q** Every time they come in your

(Pages 370 to 373)

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Page 370

1 psychologist or a psychiatrist.  
 2 **Q How long ago was that?**  
 3 A Two or three months ago. I don't  
 4 know.  
 5 **Q But you canceled it and did not**  
 6 **keep the appointment?**  
 7 A I couldn't.  
 8 **Q Why was that?**  
 9 A Because they didn't accept my  
 10 insurance.  
 11 MR. CRUM: Why don't we take a  
 12 break so we can try to get somewhere with  
 13 this.  
 14 VIDEOGRAPHER: We are off the  
 15 record. The time is 2:15 p.m.  
 16 (Short break was taken.)  
 17 VIDEOGRAPHER: We are back on the  
 18 record. The time is 2:46 p.m.  
 19 **Q I don't remember what I was**  
 20 **asking about. Anyway, Ms. -- Ms. Thornton,**  
 21 **where were the -- the criminal charges we've**  
 22 **discussed, were those in Henry County?**  
 23 A Yes, sir.

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1 **Q All of them?**  
 2 A No, sir.  
 3 **Q Tell me where they were, what**  
 4 **counties, please, ma'am.**  
 5 A Houston County.  
 6 **Q Which -- which ones were in**  
 7 **Houston and which one was in Henry?**  
 8 A Houston was the domestic. And  
 9 then I don't know what county Midland City is  
 10 in.  
 11 **Q That's a good point. I think**  
 12 **it's in Henry.**  
 13 MR. MENDHEIM: Dale County.  
 14 **Q But the marijuana was in Dale**  
 15 **County?**  
 16 A Henry.  
 17 **Q In Henry County.**  
 18 A In Henry County.  
 19 **Q Okay. And both domestic violence**  
 20 **were in Houston County?**  
 21 A One was in Midland City.  
 22 **Q Okay.**  
 23 A And one was in Houston.

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1 **Q Okay. Thank you. You mentioned**  
 2 **a moment ago that you had been referred to**  
 3 **think to a psychiatrist or a female medical**  
 4 **provider.**  
 5 A Yes.  
 6 **Q And I thought you said that you**  
 7 **did not go because your health insurance**  
 8 **would not cover it. Is that right?**  
 9 A They didn't -- when I -- the  
 10 nurse made the appointment. And when she  
 11 came back into the room, she said, "They  
 12 don't take insurance." And she had written  
 13 on there how much it was for the initial  
 14 visit and how much it was per hour. And I  
 15 told her I was going to go home and cancel  
 16 it.  
 17 **Q Was the appointment with Ann**  
 18 **McDowell?**  
 19 A I don't -- I don't believe so.  
 20 **Q Was it a psychiatrist or a**  
 21 **doctor, if you recall?**  
 22 A I don't know.  
 23 **Q Does your -- are you on your**

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1 **husband's insurance?**  
 2 A Yes, sir.  
 3 **Q Is it Blue Cross?**  
 4 A Preferred Care.  
 5 **Q With Blue Cross-Blue Shield?**  
 6 A Yes, sir.  
 7 **Q We've had discussions about**  
 8 **mechanics and how they would you said knock**  
 9 **you out of the way and things of that sort.**  
 10 **Would you describe yourself as having**  
 11 **difficulty working with men?**  
 12 A No.  
 13 **Q Do you believe that in general**  
 14 **you do not like receiving help or**  
 15 **instructions from men?**  
 16 A No. My best teacher was a man.  
 17 **Q So, in your opinion, you have no**  
 18 **trouble working with men in general?**  
 19 A No.  
 20 **Q And in your opinion, you have no**  
 21 **difficulty taking any instructions?**  
 22 A No.  
 23 **Q Either from men or women?**



(Pages 378 to 381)

41

Page 378

1 let you start over again?

2 A No.

3 Q She didn't tell you anything like

4 that?

5 A No.

6 Q And you don't think as you sit

7 here today that Ms. Boyer went out of her way

8 to listen to your issues you brought to her

9 attention and to help you?

10 A No. Ms. Boyer went out of her

11 way to take Melvin Hutchins' word on

12 anything.

13 Q How well did you get along with

14 Melvin Hutchins?

15 A I didn't have a problem with

16 Melvin Hutchins. I had a problem with when I

17 went to him -- for example, when I told him

18 before this incident happened, "It's about to

19 come to a head, I can't take this anymore,

20 Frank and I are about to collide because I'm

21 not taking his cussing anymore," and he said,

22 "Well, I hope it's a tie." I believe --

23 Q Well, my question was did you

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1 like Melvin Hutchins and how well did you get

2 along with --

3 MS. ROBERTSON: I think she was

4 telling you.

5 MR. CRUM: Not an example of

6 discussions with Melvin Hutchins.

7 Q Did you like Melvin Hutchins?

8 A I didn't like Melvin Hutchins'

9 skills.

10 Q Are you aware that Melvin

11 Hutchins has said that you were the most

12 difficult employee with which he has ever had

13 to work?

14 A I am sure he did.

15 Q And you would disagree that you

16 were the most difficult?

17 A Yes, I would.

18 Q Even though you complained almost

19 every day about something?

20 A I'll complain when I'm being

21 cussed at, shoved. I'll complain until

22 somebody listens.

23 Q Yes, ma'am. Isn't it true that

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1 if you felt that you were being mistreated,

2 as you've told us here during this

3 deposition, that at any point in time you

4 could have left the plant and gone to work

5 somewhere else? Isn't that true?

6 A I shouldn't have to. It's my

7 civil right to be treated properly.

8 Q Yes, ma'am. What's the answer to

9 the question, please?

10 A Ask it again, please.

11 Q Isn't it true that at any point

12 in time you felt you were being mistreated as

13 you've claimed, you could have left that

14 plant and gone to work anywhere else you

15 wanted to?

16 A I could have, but that would have

17 been giving up.

18 Q In what -- what do you mean by

19 that?

20 A I was taught to believe in what

21 is right and to fight for what you believe is

22 right. And if I give up, that's not an

23 example for my son. I want him to go by an

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1 example.

2 Q Is that why you complained every

3 day?

4 A No. I complained every day

5 because I was mistreated.

6 Q Have you complained of being

7 mistreated in your past jobs?

8 A I'm not sure.

9 Q What about when you were in

10 school, did you complain about being

11 mistreated there?

12 A In nursing school?

13 Q Well, we'll take nursing school.

14 How about nursing school? Did you feel like

15 you were mistreated there?

16 A The only time I was mistreated in

17 nursing school was when I had a C-section.

18 And three days later I returned back to

19 school, and the nursing director refused to

20 let me in because --

21 Q Who was the nursing -- I'm

22 sorry. Go ahead.

23 MS. ROBERTSON: If you will let

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<p>1 <b>terminated?</b></p> <p>2 MS. ROBERTSON: Let the record</p> <p>3 reflect that she was interrupted and wasn't</p> <p>4 allowed to complete her answer.</p> <p>5 MR. CRUM: The answer was</p> <p>6 nonresponsive to anything asked. But that's</p> <p>7 fine.</p> <p>8 <b>Q Please finish.</b></p> <p>9 A I just wonder why there's a</p> <p>10 program for them to go to anger management</p> <p>11 and there's not a program for the victims on</p> <p>12 the other end of their anger.</p> <p>13 <b>Q Are you finished now so I can ask</b></p> <p>14 <b>another question?</b></p> <p>15 A Go right ahead.</p> <p>16 <b>Q Thank you. Do you consider</b></p> <p>17 <b>yourself a victim?</b></p> <p>18 A Yes.</p> <p>19 <b>Q And I guess I didn't understand</b></p> <p>20 <b>the answer. You do feel that the mechanics</b></p> <p>21 <b>that you had problems with should be</b></p> <p>22 <b>reprimanded and terminated?</b></p> <p>23 A Yes.</p>	<p>1 <b>time?</b></p> <p>2 A No.</p> <p>3 <b>Q Do you feel there's any time that</b></p> <p>4 <b>vulgar language would be appropriate in the</b></p> <p>5 <b>work place?</b></p> <p>6 A No.</p> <p>7 <b>Q When did you find out that Mr.</b></p> <p>8 <b>Williams had any type of criminal conviction</b></p> <p>9 <b>in his past?</b></p> <p>10 A I don't know the exact date, but</p> <p>11 it was the first year I worked there. It was</p> <p>12 common knowledge.</p> <p>13 <b>Q You worked there in 2001?</b></p> <p>14 A Yes, sir.</p> <p>15 <b>Q So, in 2001 you found out that</b></p> <p>16 <b>Mr. Williams had a criminal conviction or</b></p> <p>17 <b>convictions in his past?</b></p> <p>18 A Yes, sir.</p> <p>19 <b>Q Why did you then make it your</b></p> <p>20 <b>point to tell people about his criminal</b></p> <p>21 <b>convictions?</b></p> <p>22 A Because I became his victim.</p> <p>23 <b>Q So, for that reason you felt it</b></p>
Page 387	Page 389
<p>1 <b>Q And what about Fannie Ashe? You</b></p> <p>2 <b>felt that she should be reprimanded and</b></p> <p>3 <b>terminated?</b></p> <p>4 MS. ROBERTSON: Objection. She</p> <p>5 didn't say that.</p> <p>6 <b>Q That's the question. Do you feel</b></p> <p>7 <b>that Fannie Ashe should have been reprimand</b></p> <p>8 <b>and terminated after your involvement with</b></p> <p>9 <b>her?</b></p> <p>10 A Fannie Ashe was reprimanded.</p> <p>11 <b>Q And do you feel that she should</b></p> <p>12 <b>have been terminated?</b></p> <p>13 A Fannie Ashe didn't throw anything</p> <p>14 at me. Fannie Ashe did not cuss me out.</p> <p>15 Fannie Ashe just harassed me I believe under</p> <p>16 direction of Melvin Hutchins.</p> <p>17 <b>Q And she's a woman?</b></p> <p>18 A Yes. One time Fannie Ashe bucked</p> <p>19 the system, and she was sent home.</p> <p>20 <b>Q Have you ever filed a claim for</b></p> <p>21 <b>social security disability?</b></p> <p>22 A No.</p> <p>23 <b>Q Do you intend to at the present</b></p>	<p>1 <b>appropriate for you to tell as many people as</b></p> <p>2 <b>possible about his criminal past?</b></p> <p>3 MS. ROBERTSON: Objection.</p> <p>4 A I do not tell as many people as</p> <p>5 possible.</p> <p>6 <b>Q You certainly told more than a</b></p> <p>7 <b>few, though, didn't you?</b></p> <p>8 A No, sir.</p> <p>9 <b>Q Did you enjoy telling people</b></p> <p>10 <b>about his criminal past?</b></p> <p>11 A No, sir.</p> <p>12 <b>Q Why did you tell anyone about his</b></p> <p>13 <b>criminal past?</b></p> <p>14 A Because at the time I was his</p> <p>15 bitch, his fucking bitch.</p> <p>16 <b>Q How was that?</b></p> <p>17 A You would have to ask him.</p> <p>18 <b>Q My understanding from Frank</b></p> <p>19 <b>Williams is that during the initial time that</b></p> <p>20 <b>you were training and he was training you,</b></p> <p>21 <b>that y'all got along well for the first few</b></p> <p>22 <b>weeks. But you are telling us that's not the</b></p> <p>23 <b>case at all?</b></p>

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1 be anyone's buddy?  
 2 A Yes. I have friends there.  
 3 Q Would you describe yourself as a  
 4 very good label operator?  
 5 A Yes.  
 6 Q Do you think you were the best  
 7 label operator?  
 8 A No.  
 9 Q Do you agree that you could take  
 10 some assistance to become a better label  
 11 operator?  
 12 A I learned something new every  
 13 day.  
 14 Q And some of this -- I asked you  
 15 something like this. But you did have an  
 16 occasion to call my client, Frank Williams, a  
 17 jack ass, correct?  
 18 A That was the kindest word I could  
 19 find, if I did.  
 20 Q What was the unkindest word that  
 21 you called him?  
 22 A I didn't.  
 23 Q You didn't ever call him an

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1 unkind word?  
 2 A Huh-uh.  
 3 Q Was there ever any point in time  
 4 where you referred to him as a mother fucker?  
 5 A No, sir.  
 6 Q That never came out of your  
 7 mouth?  
 8 A No.  
 9 Q Do you think there are witnesses  
 10 that would disagree with you?  
 11 MS. ROBERTSON: Objection.  
 12 A I'm sure there is.  
 13 Q Who do you think would disagree?  
 14 A I can't say.  
 15 Q Are you friends with Kim Perkins  
 16 now?  
 17 A Yes.  
 18 Q Have y'all completely patched up  
 19 your differences?  
 20 MS. ROBERTSON: Wait just a  
 21 minute. Do you have a headache?  
 22 THE WITNESS: No. I'm good.  
 23 MS. ROBERTSON: Are you sure?

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1 THE WITNESS: Yes.  
 2 MS. ROBERTSON: I'm sorry.  
 3 MR. CRUM: No. That's fine.  
 4 MS. ROBERTSON: She's -- off the  
 5 record, she's got -- her blood pressure is  
 6 way up. I've told her I'm not happy that  
 7 she's doing this.  
 8 Q Certainly. If you feel your  
 9 blood pressure is going up, let us know.  
 10 We'll be glad to take a break. Okay?  
 11 A Yes, sir.  
 12 Q Kim Perkins, you said that you  
 13 are now friends with her?  
 14 A We speak on the phone.  
 15 Q How did you come to patch up your  
 16 differences with Kim Perkins?  
 17 MS. ROBERTSON: Objection.  
 18 A There -- there was no patching up  
 19 to do.  
 20 Q There never was any point in time  
 21 where you were unhappy with Kim Perkins?  
 22 A Yes.  
 23 Q There was a point in time?

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1 A Yes.  
 2 Q Okay. And how did you go from  
 3 that, being very unhappy with her, to  
 4 patching things up and now speaking to her on  
 5 the phone?  
 6 A That's what friends do.  
 7 Q Did you work things out with her  
 8 and come to speak to her on the phone simply  
 9 to try to assist your lawsuit?  
 10 A No.  
 11 Q Who did you ever tell Frank  
 12 Williams was in any way convicted of sexual  
 13 misconduct?  
 14 A Tommy Nance, Mark and I were out  
 15 on the patio, and Jewell heard what we were  
 16 talking about and she jumped in the  
 17 conversation. Calvin Lynn told me that he  
 18 had looked it up and seen it on the computer  
 19 years ago. Bruce Cassidy told me.  
 20 Q Anyone else that you told of my  
 21 client's sexual conviction?  
 22 A Catherine Long. I don't know.  
 23 Q Even after the plant personnel

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<p>1 you want me to, I'll go through them all.</p> <p>2 But since you had so many difficulties with</p> <p>3 so many people, aren't you happier now that</p> <p>4 you are not working there?</p> <p>5 MS. ROBERTSON: Objection.</p> <p>6 A I got where I was. It took me</p> <p>7 five years to get where I was at Flavor</p> <p>8 House, fighting the whole way to get up on</p> <p>9 that pole.</p> <p>10 Q Are you happier now than you were</p> <p>11 working there? That's all I'm asking.</p> <p>12 A I'm safer. I can't say I'm</p> <p>13 happier.</p> <p>14 MR. CRUM: We are running out of</p> <p>15 tape.</p> <p>16 VIDEOGRAPHER: This ends</p> <p>17 videotape number three of volume two of the</p> <p>18 deposition of Linda Thornton. The time is</p> <p>19 3:15 p.m.</p> <p>20 (Short break was taken.)</p> <p>21 VIDEOGRAPHER: This marks the</p> <p>22 beginning of videotape number four of volume</p> <p>23 two of the deposition of Linda Thornton. The</p>	<p>1 Q Okay.</p> <p>2 A I think. I'm not for sure.</p> <p>3 Q But your best recollection is</p> <p>4 that the only time you went to the worldwide</p> <p>5 web --</p> <p>6 A I don't -- I don't know what --</p> <p>7 Q -- to obtain information on</p> <p>8 Mr. --</p> <p>9 MS. ROBERTSON: He's talking</p> <p>10 about looking for the web site.</p> <p>11 A I don't -- see, I don't know what</p> <p>12 -- I don't have a clue what that is, world --</p> <p>13 Q If I said -- if I asked you to go</p> <p>14 look up information on someone on the web,</p> <p>15 you are saying you don't know how to do that?</p> <p>16 A No, sir.</p> <p>17 Q You are not very computer savvy?</p> <p>18 A No, sir.</p> <p>19 Q And that's fine. So, there was</p> <p>20 never any point in time where you tried to</p> <p>21 print anything off, so to speak, on my</p> <p>22 client?</p> <p>23 A No, sir.</p>
Page 403	Page 405
<p>1 time is now 3:33 p.m.</p> <p>2 Q Ms. Thornton, I have a few more</p> <p>3 questions for you. We are going to be done</p> <p>4 pretty quick. Okay?</p> <p>5 A Yes, sir.</p> <p>6 Q We talked a little bit a moment</p> <p>7 ago about my client's -- you mentioned some</p> <p>8 information about my client on the web. Do</p> <p>9 you recall that? Us discussing that is all</p> <p>10 I'm getting to.</p> <p>11 A I recall you -- I'm sorry.</p> <p>12 Q Well, let me ask you about this:</p> <p>13 Did you -- did you ever --</p> <p>14 MS. ROBERTSON: To explain, are</p> <p>15 you talking about Jennifer asking --</p> <p>16 THE WITNESS: Yeah.</p> <p>17 Q Okay. That's fine. Did -- did</p> <p>18 you ever go to the web, worldwide web, and</p> <p>19 look for information on my client?</p> <p>20 A At one point I had my son do it.</p> <p>21 Q When was that?</p> <p>22 A It was in the latter part after I</p> <p>23 had left Flavor House, I believe.</p>	<p>1 Q Did you ever ask anyone else to</p> <p>2 do that?</p> <p>3 A No, sir.</p> <p>4 Q You did mention your son. Did</p> <p>5 you ask him to print off anything on it, or</p> <p>6 did you just simply ask him to go to the web</p> <p>7 site?</p> <p>8 A I just asked him to go to the web</p> <p>9 site.</p> <p>10 Q And did he do that?</p> <p>11 A Yes, sir.</p> <p>12 Q And you believe that that was</p> <p>13 done after you left Flavor House?</p> <p>14 A I believe so.</p> <p>15 Q Did you ever ask anyone at Flavor</p> <p>16 House to print off information from the</p> <p>17 Internet and either give it to you or anyone</p> <p>18 else?</p> <p>19 A No, sir. Jewell claimed that.</p> <p>20 Q Jewell claimed that?</p> <p>21 A Yes, sir.</p> <p>22 Q Claimed that you asked her to do</p> <p>23 that?</p>



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<p>1 seemed to have trouble in a lot of different</p> <p>2 areas of the plant?</p> <p>3 A No.</p> <p>4 Q And your testimony is that you</p> <p>5 moved to line three solely at your own</p> <p>6 volition. You wanted to move to line three,</p> <p>7 and you are saying you bid on the job, not</p> <p>8 that you were transferred there to get away</p> <p>9 from controversy?</p> <p>10 A I was not transferred there.</p> <p>11 I -- I signed up for the position in the</p> <p>12 break room on the board.</p> <p>13 Q On your own you are saying, not</p> <p>14 to get away from controversy. You wanted to</p> <p>15 go on your own?</p> <p>16 A Well, Kim and I had already had</p> <p>17 problems. That's when she showed me the</p> <p>18 paperwork. That was a problem. And I wanted</p> <p>19 to get to the can line. I had already</p> <p>20 requested one time previously to get to the</p> <p>21 can line. And when it was up again, I tried</p> <p>22 again.</p> <p>23 Q Who would you describe as your</p>	<p>1 Q Is it your understanding that</p> <p>2 Mr. Cassidy is in some way related to Frank</p> <p>3 Williams?</p> <p>4 A Yes, sir. He told me that he was</p> <p>5 his uncle.</p> <p>6 Q As I understand it, though, you</p> <p>7 feel that Bruce Cassidy supported you in</p> <p>8 these allegations you made?</p> <p>9 A I -- I believe that out of a lot</p> <p>10 of things, Bruce agreed with me.</p> <p>11 Q Do you know what things he agreed</p> <p>12 with you on?</p> <p>13 A I'm not sure. Whatever I went to</p> <p>14 him with.</p> <p>15 Q But you feel he was a confidant</p> <p>16 or somebody you could talk to about this?</p> <p>17 A Yes.</p> <p>18 Q You mentioned earlier something</p> <p>19 about someone throwing liquid nitrogen bombs</p> <p>20 at you.</p> <p>21 A Yes, sir.</p> <p>22 Q And I'm trying to understand.</p> <p>23 How many liquid nitrogen bombs were thrown at</p>
Page 411	Page 413
<p>1 best teacher at work with respect to I guess</p> <p>2 teaching you about the label operator job?</p> <p>3 Who -- who do you feel was your best teacher?</p> <p>4 A Leonard.</p> <p>5 Q I'm sorry. Leonard who?</p> <p>6 A He's dead now.</p> <p>7 Q Do you know his last name?</p> <p>8 A No, sir.</p> <p>9 Q But you feel like he was your</p> <p>10 best teacher?</p> <p>11 A Yes, sir. He --</p> <p>12 Q Are you -- who would you describe</p> <p>13 as your second best teacher after Leonard?</p> <p>14 A I didn't have any other teachers</p> <p>15 after Leonard. The people they put -- if</p> <p>16 they put anybody with me, their motto was you</p> <p>17 tell them this much, but don't give them that</p> <p>18 last little bit, because that's called job</p> <p>19 security.</p> <p>20 Q Did you have any trouble with</p> <p>21 Bruce Cassidy? Did you get along well with</p> <p>22 him?</p> <p>23 A Yes, sir.</p>	<p>1 you?</p> <p>2 A I didn't count them. It was --</p> <p>3 they would throw them throughout the day.</p> <p>4 Q Okay. Well, I guess more than</p> <p>5 one, then. You are saying multiple liquid</p> <p>6 nitrogen bombs were thrown at you?</p> <p>7 A At my feet.</p> <p>8 Q Did you ever go to the police?</p> <p>9 A No, sir.</p> <p>10 Q Were you injured in any way as a</p> <p>11 result of this?</p> <p>12 A No, sir.</p> <p>13 Q Did you think it was funny?</p> <p>14 A No, sir.</p> <p>15 Q Did you ever report it</p> <p>16 specifically?</p> <p>17 A Yes, sir.</p> <p>18 Q Did you, yourself, ever throw</p> <p>19 liquid nitrogen bombs at anyone?</p> <p>20 A No, sir.</p> <p>21 Q Did you feel that was appropriate</p> <p>22 conduct in the plant?</p> <p>23 A No, sir.</p>

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1 females. I want to be where I can call my  
 2 husband and he can be there in a minute, or I  
 3 can push that button that's right there in  
 4 front of me and the police will be there in  
 5 half a second.  
 6 **Q What does your husband do?**  
 7 A He works at Army Fleet Support.  
 8 **Q That's right. Now, that's not**  
 9 **half a second away, though, is it? Isn't**  
 10 **that at Ft. Rucker?**  
 11 A Sir?  
 12 **Q Isn't that at Ft. Rucker?**  
 13 A Yes, sir.  
 14 **Q So, that's a little ways away.**  
 15 A Our shifts are -- I'm off on  
 16 Thursday and Friday. I work day shift on  
 17 Saturday and Sunday. And I only work three  
 18 hours on Monday. And Tuesday and Wednesday,  
 19 I work night shift. So, he's available at  
 20 all times.  
 21 **Q And I think my original question**  
 22 **was, though, your intention at this point is**  
 23 **to stay working there at that convenience**

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1 store?  
 2 A Until I can get help. I don't  
 3 need any change right now.  
 4 **Q I'm sorry. You don't need what?**  
 5 A I don't need any change right  
 6 now.  
 7 **Q And you talked about a referral**  
 8 **to a psychologist or psychiatrist by Dr.**  
 9 **Bendinger, but you said that you were not**  
 10 **able to keep that appointment, correct?**  
 11 A My insurance -- they didn't  
 12 except my insurance.  
 13 **Q Yes, ma'am. Have you been to any**  
 14 **other medical provider for that -- for any**  
 15 **help at all other than Dr. Bendinger**  
 16 **recently?**  
 17 A Just when I had to go to the  
 18 hospital with chest pains.  
 19 **Q What was that in relation to?**  
 20 **You just started having chest pains one day?**  
 21 A They said it was anxiety.  
 22 **Q Are you attempting to blame that**  
 23 **on your lawsuit and the allegations we are**

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1 **here about today?**  
 2 A Yes, sir.  
 3 **Q Where did you go to the hospital?**  
 4 A At the medical center.  
 5 **Q Why didn't you go to Flowers?**  
 6 A I just didn't.  
 7 **Q Isn't it closer?**  
 8 A No, sir.  
 9 **Q You went to the medical center.**  
 10 **And who is your doctor there, your heart**  
 11 **doctor?**  
 12 A It was the ER doctor. It wasn't  
 13 my heart.  
 14 **Q Who did you see?**  
 15 A Whoever the ER doctor was.  
 16 **Q And what was your diagnosis?**  
 17 A Anxiety.  
 18 **Q What did they do for you?**  
 19 A They ran all the tests that they  
 20 were supposed to run. They said it wasn't my  
 21 heart, and I went home.  
 22 **Q Did they give you any medication?**  
 23 A They -- they did, but I didn't

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1 fill them.  
 2 **Q And when was that, please,**  
 3 **generally?**  
 4 A I'm not quite sure. Maybe four  
 5 months ago.  
 6 **Q Any other medical attention which**  
 7 **you believe in some way is related to this**  
 8 **situation we are here about today?**  
 9 A My high blood pressure.  
 10 **Q You believe that's related to**  
 11 **these allegations?**  
 12 A Yes, sir.  
 13 **Q When did you first get diagnosed**  
 14 **with high blood pressure?**  
 15 A When I was at Flavor House.  
 16 **Q And who diagnosed that?**  
 17 A Dr. Bendinger. Or they checked  
 18 it at Flavor House. They checked it at  
 19 Flavor House for me.  
 20 **Q Have you seen any other doctors**  
 21 **for high blood pressure other than Dr.**  
 22 **Bendinger?**  
 23 A No, sir.

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<p>1 <b>Q A bat?</b></p> <p>2 A A bat.</p> <p>3 <b>Q Like a baseball bat?</b></p> <p>4 A Yes, sir, and told her to get the</p> <p>5 fuck off the field.</p> <p>6 <b>Q She didn't like that?</b></p> <p>7 A No, sir.</p> <p>8 <b>Q Did he hit her?</b></p> <p>9 A I don't believe so.</p> <p>10 <b>Q What about Linda Jackson? Or was</b></p> <p>11 <b>that Linda Jackson you told me about?</b></p> <p>12 A Yes, sir.</p> <p>13 <b>Q Beulah Davis, what were her</b></p> <p>14 <b>problems with Frank Williams?</b></p> <p>15 A I don't know the -- I don't know.</p> <p>16 <b>Q Do you know where Frank Williams</b></p> <p>17 <b>lives now?</b></p> <p>18 A All I know is Cowarts.</p> <p>19 <b>Q Have you been to his house?</b></p> <p>20 A No, sir.</p> <p>21 <b>Q Have you tried to figure out</b></p> <p>22 <b>where he lives specifically?</b></p> <p>23 A No, sir.</p>	<p>1 (Short break was taken.)</p> <p>2 MR. CRUM: That's all we have.</p> <p>3 VIDEOGRAPHER: We are back on the</p> <p>4 record. The time is 3:58 p.m.</p> <p>5 MR. CRUM: We have no more</p> <p>6 questions. We appreciate y'all being here</p> <p>7 today.</p> <p>8 VIDEOGRAPHER: This ends</p> <p>9 videotape number four of volume two of the</p> <p>10 deposition -- and the deposition of Linda</p> <p>11 Thornton. The time is 3:58 p.m.</p> <p>12</p> <p>13 (END OF DEPOSITION)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 <b>Q You haven't tried to look up his</b></p> <p>2 <b>specific address or find him?</b></p> <p>3 A No, sir.</p> <p>4 <b>Q Do you know where he works now?</b></p> <p>5 A I did.</p> <p>6 <b>Q Where?</b></p> <p>7 A I did know that he worked at Sara</p> <p>8 Lee, but that he was a -- I was told he was a</p> <p>9 no-show and a no-call.</p> <p>10 <b>Q Did you have any part to play in</b></p> <p>11 <b>Mr. Williams losing his job at Sara Lee?</b></p> <p>12 A No, sir.</p> <p>13 <b>Q Were you glad that he lost that</b></p> <p>14 <b>job?</b></p> <p>15 A No, sir. I was more comfortable</p> <p>16 knowing where he was.</p> <p>17 <b>Q But now you don't know where he</b></p> <p>18 <b>works?</b></p> <p>19 A No, sir.</p> <p>20 MR. CRUM: I think that's all I</p> <p>21 have. Let me have one second.</p> <p>22 VIDEOGRAPHER: We are off the</p> <p>23 record. The time is 3:55 p.m.</p>	<p>1 SIGNATURE OF WITNESS</p> <p>2</p> <p>3 I, _____, do hereby</p> <p>4 certify that on this ____ day of _____,</p> <p>5 2008, I have read the foregoing transcript,</p> <p>6 and to the best of my knowledge it</p> <p>7 constitutes a true and accurate transcript of</p> <p>8 my testimony taken by oral deposition on</p> <p>9 March 3, 2008.</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 LINDA THORNTON</p> <p>14</p> <p>15</p> <p>16 Subscribed and sworn to</p> <p>17 before me this ____ day</p> <p>18 of _____, 2008.</p> <p>19</p> <p>20 _____</p> <p>21 NOTARY PUBLIC</p> <p>22</p> <p>23</p>

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Ralcorp Holdings  
17502.0006

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

RECEIVED

v. Thornton

2007 AUG -6 P 3:27

LINDA THORNTON,

Plaintiff,

v.

FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,

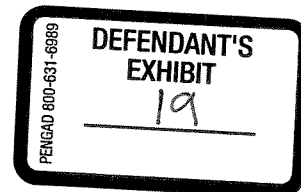
Defendants.

Civil Action No.:

1:07cv712-WKW

JURY DEMAND

COMPLAINT



I. INTRODUCTION

1. This is an action for declaratory judgment, equitable relief, and money damages, instituted to secure the protection of and to redress the deprivation of rights secured through Title VII of the Act of Congress commonly known as "The Civil Rights Act of 1964," 42 U.S.C. § 2000(e) et seq., as amended by the Civil Rights Act of 1991, 42 U.S.C. § 1981a (hereinafter "Title VII"), which provides for relief against discrimination in employment on the basis of sex and unlawful retaliation in relation thereto. The Plaintiff seeks compensatory and punitive damages, and requests a jury trial pursuant to 42 U.S.C. § 1981a.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343(a)(4); 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 2000e-5(f)(3).

3. The unlawful employment practices alleged hereinbelow were committed by the Defendant within Houston County, Alabama. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(g).

4. The Plaintiff requests a jury trial on all issues pursuant to 42 U.S.C § 1981a.

### **III. PARTIES**

5. Plaintiff, Linda Thornton, is a female citizen of the United States, and a resident of the State of Alabama. Ms. Thornton was a former employee of the Defendant, Flavor House Products, Inc.

6. Defendant, Flavor House Products, Inc., (hereinafter "Flavor House") is an employer within the meaning of 42 U.S.C. § 2000e(a) and (b). At all times relevant to this action, Flavor House has employed at least fifteen (15) or more employees.

7. Defendant, Franklin D. Williams, Jr., (hereinafter "Williams") at all times material to this action, was employed by Flavor House, and was Plaintiff's Team Leader and direct supervisor from 2006 until her employment with Flavor House ended in June 2006.

### **IV. ADMINISTRATIVE EXHAUSTION**

8. The Plaintiff has satisfied all conditions precedent required pursuant to Title VII.

9. On or about September 18, 2006, Plaintiff timely filed a charge of employment discrimination with the Equal Employment Opportunities Commission, the "EEOC", (Charge #420-2006-05107), in which she complained that the Defendants subjected her to sexual discrimination, sexual harassment, and retaliation in relation to the terms, conditions and benefits of her employment.

10. Plaintiff subsequently received an authorization to file a private action and is timely filing this complaint within ninety (90) days of receiving this authorization.



**V. STATEMENT OF FACTS AND CLAIMS**

11. Plaintiff re-alleges and incorporates by reference paragraphs 1-10 above with the same force and effect as if fully set out in specific detail hereinbelow.

12. The Plaintiff, Linda Thornton, began working for Flavor House Products, Inc., on or about June 25, 2001.

13. While employed at Flavor House, the plaintiff suffered sexual discrimination, harassment and retaliation. The sexual discrimination started during the plaintiff's first year of employment with Flavor House and continued throughout her employment until she was forced to resign her position with the defendant on or about June 21, 2006, following her complaints to management of sexual discrimination and harassment.

14. During the plaintiff's first year of employment, she repeatedly tried to get a promotion to "Label Operator," but was passed over several times and the position was given to temporary male employees with less experience than the plaintiff or with no experience.

15. Also, unlike the male employees, the plaintiff was required to provide a resume listing her mechanical experience before she was given the position.

16. The discrimination continued even after the plaintiff finally received the position in that she did not receive the training that the male operators/employees received.

17. Additionally, the mechanics, all male, and other male employees made derogatory comments about the plaintiff working "in a man's job."

18. The mechanics did not like for the plaintiff to make adjustments to her machine and

if she took longer than 5 minutes to make adjustments, they would physically push her out of the way and make the adjustments or they would call the male supervisor over to make the adjustments. However, the male operators made adjustments that took longer than five minutes and they were not treated this way.

19. The plaintiff suffered this discriminatory treatment from the time she was put in the Label Operator position until she was forced to resign her employment.

20. The plaintiff's supervisor was aware of the discriminatory treatment; however, he did nothing to stop the discrimination.

21. The plaintiff also made numerous complaints to Marianne Boyer, Director of Operations, about the sexually discriminatory work environment that the female employees, including herself, were forced to work in on a daily basis. The plaintiff told Boyer that the mechanics, who are all male, cursed at and yelled at the female employees and that they called the female employees derogatory names. The plaintiff reported to Boyer that the male mechanics would not allow the female operators to make minor repairs on their machines, but did not say anything when male employees made the same or similar repairs.

22. Boyer's typical response to the plaintiff's complaints of sex discrimination and harassment was to tell the plaintiff that she would have to "deal with it" as she had learned to "deal with it" and to give the plaintiff examples of discrimination that she [Boyer] had do "deal with" in the company.

23. The plaintiff first worked with Frank Williams (male) in 2003 as Williams was

supposed to help the plaintiff learn how to run his machine. The plaintiff worked with Williams for three to four weeks and during that time he treated her in a sexually derogatory manner including yelling at the plaintiff, cursing at her, and calling her a "fucking stupid bitch."

24. The plaintiff complained about this sexually derogatory treatment to Melvin Hutchins, a member of management, but Hutchins told the plaintiff that Williams was the only one that knew how to run the machine so she would just have to get along with him.

25. The plaintiff did not work with Williams again until the beginning of 2006 after she had applied for and received a position as Line 3 Label Operator. Shortly after the plaintiff applied for this position, Williams was moved to the department as the Team Leader.

26. From the time Williams became the plaintiff's Team Leader in 2006 until the end her employment, Williams treated the plaintiff in a discriminatory and demeaning manner including, but not limited to, the following: yelling at her; cursing at her every day; constantly talking to the plaintiff about his sex life with his wife; talking to the plaintiff about how often he had sex, how they had sex, where they had sex, and how often they had sex; and stating that he could tell his wife was cheating on him because of the way she "felt" when they had sex. Williams was also very vocal about the fact that he was a registered sex offender.

27. The plaintiff complained about Williams and his discriminatory treatment and harassment of her many times. She complained to Hutchins and Chris Jordan, Supervisor. They told the plaintiff it would be taken care of, but to her knowledge, nothing was ever done as Williams' sexually derogatory and harassing behavior continued.

28. A few months before the plaintiff was forced to leave her employment, she was written up or telling another employee that Williams was a registered sex offender even though Williams made this statement himself almost every day.

29. At first the plaintiff was called in and told not to discuss Williams' history although he discussed it everyday. The plaintiff was told that the matter would be dropped, but if she discussed his criminal history again, she would be written up.

30. A few days later, another female employee told the plaintiff that Williams was making threats to physically hurt the plaintiff. The plaintiff reported these threats to management and was then written up for allegedly discussing Williams' criminal history.

31. The female employee that told the plaintiff about the William's threats was fired shortly afterwards.

32. On or about June 14, 2006, the plaintiff was operating the label machine on Line Three, in her usual position.

33. Williams took over the plaintiff's machine during her break and when she came back, the plaintiff noticed an overflow of re-work that needed to be done and a box full of bad labels that had to be re-done.

34. As the company was having an important audit done that day, the plaintiff asked



Williams to help her with the re-work when he walked by. Williams turned around and shouted at the plaintiff that he had "better mother-fucking things to do than fucking re-work." Williams continued to yell and curse at the plaintiff and kept repeating, "God damn mother fucker" at her.

35. Williams walked to the outside of the line and continued to yell at the plaintiff. While still yelling "God damn mother-fucker" at the plaintiff, he began picking up pallets and slamming them down. He also picked up a large bag of trash and threw it.

36. By this time, a line mechanic had walked up and the plaintiff asked him several times to call a supervisor on the radio. He tried to call a couple of supervisors and was told "it will be one minute."

37. Donald Coty, the Mechanic Supervisor, walked by and the plaintiff asked him to call Melvin Hutchins. By the time Hutchins arrived, Williams had quit yelling and cursing at the plaintiff, but was still throwing pallets around and glaring at her. The plaintiff informed Hutchins that this was the last time Williams was going to lose his temper and "go off" on her by cursing and yelling at her and calling her a "God damn mother-fucker" for no apparent reason.

38. Hutchins then called Chris Jordan, Packaging Supervisor, and he came over to the plaintiff's line. Jordan inventoried the plaintiff's tool bag and then told her to come to his office that afternoon and write out a statement of what happened.

39. The plaintiff told Jordan him about William's discriminatory and harassing treatment of her and that she was tired of having to deal with Williams. Hutchins and Jordan then left to go back to the audit.

40. At three o'clock, the plaintiff went to Jordan's office and wrote out a statement.

From the Hutchins and Jordan left until three o'clock when the plaintiff went to the front office, Williams stood at her re-work table and glared at her, making the plaintiff extremely uncomfortable.

41. On or about June 15, 2006, the plaintiff returned to work and tried to do her job while avoiding Williams. Williams returned to her re-work table and glared at the plaintiff the same way he had the day before. He would also walk up close to the plaintiff's machine and stop and stare at her. When Williams was not standing at the plaintiff's re-work table or next to her machine, he would go to the filler machine and talk to Stephanie and then turn around and glare at the plaintiff from time to time during his conversation.

42. Williams' demeanor was very intimidating and because the plaintiff knew that he had a history of violence against women, she was afraid he was going to hurt her. The plaintiff was so scared of Williams that she took a screwdriver out of her tool bag and began carrying it around in her back pocket.

43. Melvin Hutchins walked by and the plaintiff told him that she was not comfortable working with Williams and that she did not feel safe around Williams. Hutchins told the plaintiff that he had read her statement and agreed that he would not feel safe either then he reassured me that the situation would be resolved.

44. Later that day, the plaintiff was moved to the Line 5 label machine; however, this was still in the same department with Williams and only a few feet away from him. This move afforded the plaintiff no protection from Williams.

45. On June 16, 2006, the plaintiff asked Hutchins if the move to Line 5 was permanent.

He told the plaintiff that he needed her on Line 5 right then and could not answer if the move was permanent.

46. The plaintiff then asked Ricky Smothers, the Supervisor over all Supervisors, if the move was permanent and he told the plaintiff she would have to talk to Tommy (LNU) in PR. Ricky was not fully aware of the incident that had occurred between the plaintiff and Williams or of her written statement complaining about the discriminatory and harassing treatment to which she was subjected.

47. The plaintiff was so upset that she had to clock out and go outside to calm down. Hutchins and Ricky followed her outside and told her to leave the property and come back in an hour to meet Tommy.

48. The plaintiff waited and spoke with Tommy and Marianne Boyer, CEO, about the situation with Williams and that she did not feel safe working with Williams and had started carrying a screwdriver in her back pocket for defense purposes. Despite the plaintiff's statement and statements from witnesses, they concluded that the plaintiff had somehow "baited" Williams and that no action was to be taken.

49. Boyer accused the plaintiff of having an issue with sexual discrimination, and that Williams would not be terminated. Recognizing that they were not going to resolve the discrimination and harassment by Frank, the plaintiff placed her badge on Tommy's desk.

50. It was later stated that if the plaintiff had returned to work following this incident, that the plaintiff would have been written up and disciplined.

51. Despite Plaintiff's repeated complaints of sexual harassment and discrimination, the

defendant took no disciplinary or remedial action against Williams and instead, allowed the discrimination and harassment to continue.

52. The next three scheduled work days, the plaintiff called in sick because she was too afraid to go in and face Williams. A female employee told the plaintiff that the first two days she was out, Williams asked her where the plaintiff was. On the third day, the plaintiff called Leah Allums in Personnel Resources and told her that she would not be returning because she did not feel she would be safe working with Williams.

53. As a result of the repeated acts of sexual harassment, discrimination and retaliation to which the plaintiff was subjected, she was constructively discharged by the defendant on June 21, 2006.

54. The plaintiff resigned as she could no longer physically and/or emotionally endure the discrimination, hostile work environment and repeated acts of retaliation. The plaintiff resigned under circumstances that would have caused a reasonable person to feel compelled to resign.

55. After the plaintiff was constructively discharged, Williams was written up for cursing at another female employee.

**COUNT I: TITLE VII VIOLATIONS**  
**SEXUAL DISCRIMINATION, SEXUAL DISCRIMINATION**  
**AND RETALIATION**

56. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 55 above with the same force and effect as if fully set out in specific detail herein below.

57. Defendant discriminated against the Plaintiff on the basis of her sex with respect to



her promotions, wages, training, discipline, and other terms, conditions and privileges of her employment as set out above, leading up to and including her constructive discharge. Plaintiff was subjected to sexual harassment which was unwelcome and so severe or pervasive as to alter the terms and conditions of her employment. The Defendant knew, or should have known, of Williams' sexual discrimination and/or sexual harassment of the Plaintiff and/or his proclivity for sexually harassing female employees, and did not take prompt, effective, remedial action.

58. The Defendant retaliated against the Plaintiff, as set out above, for her good faith actions of reporting, opposing, and/or refusing to participate in the sexually discriminating and harassing employment practices of the Defendant.

59. The conduct of the Defendant was so severe or pervasive as to create a hostile working environment for the Plaintiff.

60. All of the discrimination, harassment, and retaliation was done wilfully and with malicious and reckless disregard for the rights of the Plaintiff.

61. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and this suit for a declaratory judgment, backpay (plus interest), an injunction, and compensatory and punitive damages is her only means of securing adequate relief.

62. Plaintiff is now suffering and will continue to suffer irreparable injury from the Defendant's unlawful policies and practices as set forth herein unless enjoined by this Court.

#### **COUNT II: INVASION OF PRIVACY**

63. Plaintiff re-alleges and incorporates by reference paragraphs 1 - 62 above with the

same force and effect as if fully set out in specific detail herein below.

64. This is a claim arising under the law of the State of Alabama to redress violations by Defendant Williams of the Plaintiff's right to privacy and Defendant Flavor House's ratification of that conduct.

65. The conduct of Defendant Williams, as set out above, was an invasion of Plaintiff's privacy and proximately caused Plaintiff to suffer great emotional distress for which she claims compensatory and punitive damages from the Defendants.

66. Defendant Flavor House condoned, authorized, and/or ratified Defendant Williams' conduct in that it knew or should have known of the continuing tortuous invasion of privacy of the Plaintiff and failed to stop Defendant Williams' conduct.

### **COUNT III: OUTRAGE**

67. Plaintiff re-alleges and incorporates by reference paragraphs 1 - 66 above with the same force and effect as if fully set out in specific detail hereinbelow.

68. This is a claim arising under the law of the State of Alabama to redress Defendant Williams' outrageous conduct towards the Plaintiff and Defendant Flavor House's ratification of that conduct.

69. The conduct of Defendant Williams, and other agents, officers, and servants of Defendant Flavor House, as set out above, was extreme, outrageous and beyond the boundaries of decency in civilized society, and it proximately caused Plaintiff to suffer great emotional distress for which she claims compensatory and punitive damages from the Defendants.

70. Defendant Flavor House condoned, authorized, and/or ratified Defendant

Williams' conduct, because they knew or should have known of Defendant Williams' outrageous conduct towards Plaintiff and failed to stop Defendant Williams' conduct.

**COUNT IV: NEGLIGENT AND/OR WANTON HIRING, SUPERVISION,  
TRAINING, AND RETENTION** ]

71. The Plaintiff re-alleges and incorporates by reference paragraphs 1 - 70 above with the same force and effect as if fully set out in specific detail herein below.

72. This is a claim arising under the law of the State of Alabama to redress Defendant Flavor House's negligent and/or wanton hiring, supervision, training, and retention of Defendant Williams and other employees/agents of Flavor House.

73. Defendant Flavor House negligently, wantonly and/or inappropriately hired Defendant Williams and/or negligently, wantonly and/or inappropriately failed to adequately supervise, and train Defendant Williams and other employees/agents of Defendant Flavor House. Further, Defendant Flavor House negligently and/or wantonly retained Defendant Williams which proximately caused Defendant Williams' harassment of, discrimination of and retaliation against the Plaintiff.

74. Defendant Williams' harassment, discrimination, and retaliation of the Plaintiff caused her great emotional distress for which she seeks compensatory and punitive damages against the Defendants.

**VI. PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Grant Plaintiff a declaratory judgment holding that actions of Defendant, Flavor


House, described herein above violated and continue to violate the rights of the Plaintiff as secured by Title VII.

2. Grant Plaintiff a permanent injunction enjoining Defendant Flavor House, it agents, successors, employees, attorneys and those action in concert with Defendant Flavor House and on Defendant Flavor House's behalf from continuing to violate Title VII.

3. Grant the Plaintiff an Order requiring the Defendants to make the Plaintiff whole by awarding her the position she would have occupied in the absence of sexual harassment, sex discrimination and/or retaliation (or front pay), backpay (plus interest), compensatory, punitive, and/or nominal damages, and loss of benefits.

4. The Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorneys' fees and expenses.

Respectfully submitted,



---

ANN C. ROBERTSON  
TEMPLE D. TRUEBLOOD  
Attorneys for the Plaintiff

**OF COUNSEL:**  
**WIGGINS, CHILDS, QUINN & PANTAZIS, L.L.C.**  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, Alabama 35203  
(205) 314-0500

**BOBBIE S. CROOK (CRO-040)**  
**Attorney for the Plaintiff**  
367 South Saint Andrews Street



Dothan, AL 36301  
(334) 671-8062

**PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY ON ALL ISSUES TRIABLE BY A JURY.**


  
\_\_\_\_\_  
OF COUNSEL

**PLAINTIFF REQUESTS THIS HONORABLE COURT TO SERVE VIA CERTIFIED MAIL UPON EACH OF THE NAMED DEFENDANTS THE FOLLOWING : SUMMONS, COMPLAINT.**

Defendants' Addresses:

Flavor House Products, Inc.  
c/o Registered Agent  
The Corporation Company  
2000 Interstate Park Drive Ste 204  
Montgomery, Alabama 36109

Franklin D. Williams, Jr.  
1408 North Broad Street  
Cowarts, Alabama 36321

  
\_\_\_\_\_  
OF COUNSEL

## FLAVOR HOUSE PRODUCTS

☒ Counseling Report

☐ Warning Report

Employee <u>Linda Parrish</u>	Emp. #	Date Submitted for Approval <u>3-28-02</u>
Department	Shift	Date Violation Occurred <u>3-27-02</u>
Shift Supervisor <u>Buck Perkins</u>	Department Manager	

## SITUATION IN BRIEF (State violation according to Discipline &amp; Discharge Policy):

Unnecessary raising of her voice or hollering to other employees

## DETAILS (Be specific)(See checklist on back):

Date Discussed With Employee 3/28/02

On March 27, 2002 Linda Raised her voice to Stephanie Townsend while on the line. Linda admitted that she raised her voice to her because of being very irritated with her.

## ACTION TAKEN (Recommendation)(See checklist on back):

Written Counseling

## COMMENTS:

It has been discussed with Linda that she is to keep self control at all times. She is not to holler, be rude, or disrespectful to any fellow employees.

## EMPLOYEE:

Linda Parrish

Shift Supervisor <u>[Signature]</u>	Date <u>3/28/02</u>	Witness	Date
-------------------------------------	---------------------	---------	------

Department Manager	Date	Human Resources	Date	Plant Manager	Date
<u>Melvin Hutchins</u>	<u>4-2-02</u>	<u>Leigh Allums</u>	<u>4-2-02</u>	<u>[Signature]</u>	<u>4-2-02</u>

NOTICE: MUST BE APPROVED BY HUMAN RESOURCES AND PLANT MANAGER

## FLAVOR HOUSE PRODUCTS

DEFENDANT'S  
EXHIBIT

21

PENGAD 800-631-6889

X Counseling Report

Warning Report

Employee	Linda Parrish	Emp. #	Date Submitted for Approval
Department		Shift	Date Violation Occurred 6-25-04
Shift Supervisor	Larry Hatcher	Department Manager	Melvin Hutchins

SITUATION IN BRIEF (State violation according to Discipline &amp; Discharge Policy):

Group I, No. 7 - The use of offensive or abusive language that offends others.

DETAILS (Be specific)(See checklist on back):	Date Discussed With Employee
---	------------------------------

On Friday June 25, 2004 at approximately 6:00 PM Linda was struck by a bottle of peanuts tossed by John Milsap (Maintenance). She responded by using offensive language to him. He also used offensive language.

6-30-04 - Bottle of peanuts were not "tossed" - the bottle was thrown - striking me in the chest - And then was told that "when I tell you to turn the "it" off" - "Young off - you turn it off" Very short time to think about what words to say after being hit in the chest with a bottle of peanuts. Linda Parrish

ACTION TAKEN (Recommendation)(See checklist on back):

Group I Warning

Linda Parrish 06-30-04	
Shift Supervisor	Larry Hatcher
Date	6-30-04
Witness	CE
Date	6-30-04
Department Manager	Melvin Hutchins
Date	6-30-04
Human Resources	Ruth Williams
Date	7/1/04
Plant Manager	
Date	

NOTICE: MUST BE APPROVED BY HUMAN RESOURCES AND PLANT MANAGER

FH000142

AT-9

**STATE OF ALABAMA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
HEARINGS AND APPEALS DIVISION  
MONTGOMERY, ALABAMA 36130**



**DECISION ON UNEMPLOYMENT COMPENSATION CLAIM**

**CLAIMANT**

LINDA A PARRISH  
100 ARMSTRONG ST  
HEADLAND AL 36345

**EMPLOYER**

FLAVOR HOUSE PRODUCTS INC  
10101 WOODFIELD LN  
ST LOUIS MO 63132-2922

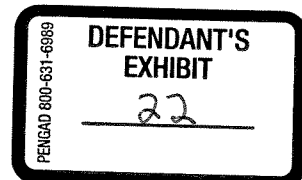
**APPELLANT EMPLOYER****LOCATION MONTGOMERY****(TELEPHONE)****OC NO. 00-33****DATE MAILED 09/01/06****CASE NO. 08885-AT-06****S. S. NO. 078-62-7979****HEARING DATE 08/23/06**

**APPEARANCES AT THE HEARING:** Claimant with attorney and employer representative with hearing representative and witness

**ISSUE(S):** Voluntarily leaving most recent bona fide work without good cause connected with such work Section 25-4-78(2) Code of Alabama 1975

**FINDINGS:** This employer, with whom the claimant had most recent bona fide work, appealed an Examiner's determination on a claim for unemployment benefits

The claimant was employed with the listed employer as a machine operator from June 25, 2001, until June 16, 2006. The claimant voluntarily resigned her job due to personal differences with a coworker. The claimant had worked for the employer in a general laborer's position and was later moved to a label operator position. The claimant had difficulty and conflict with other coworkers and had been moved from line 1 to line 3 in September 2005, due to altercations with others on the line involving arguments and conflicts. When the claimant was moved to this position, she had a conflict with the new lead person on this job. The claimant made several complaints about this lead person to the employer. The employer investigated her complaints and found that there was conflict on both sides. The claimant and the lead person were written up for yelling at each other and name calling. The claimant was found to have used profanity, as well as the lead person. In regards to the final incident, the claimant came in on June 16, 2006, and spoke to the human resource manager and the director of operations regarding an ongoing complaint she had with the lead person. The claimant had heard information that the lead person had things in his past that she found to be threatening to her. The claimant had no direct knowledge of this and no proof of this. However, she repeated rumors she heard from other employees. The employer spoke to the claimant and the lead person about her allegations then told the claimant that if she could not work with the lead person, and they found no grounds to terminate his employment, she would be moved to another position. The claimant was told that she would be moved to another line where she would not be under this coworker's direct supervision. The claimant disagreed with this and wanted to turn in her badge on June 16, 2006. However, the employer asked her not to turn in her badge, but to go home over the weekend and think it over and let them



FH000016



know of her decision. The claimant did not work that day, as she indicated that she was too upset to work. On Monday and Tuesday, the claimant called in to report that she would not be in due to illness. On Wednesday, she called in to report that she was resigning from her job, and the claimant did not return to work.

**CONCLUSIONS:** Section 25-4-78(2) of the Law requires a disqualification if an individual voluntarily leaves her most recent bona fide work without good cause connected with such work. "Good cause" is defined as substantial reason, just ground for such action, adequate excuse that will bear the test of reason, and always the element of good faith. The good cause reason must be work connected. The claimant is found to have voluntarily quit her job due to personal conflicts with a coworker. The claimant could not resolve her personal conflicts and decided it was in her best interests to leave this employment. There was work available for the claimant when she voluntarily resigned her employment. Therefore, the claimant is subject to a disqualification.

**DECISION:** The Examiner's determination is reversed. The claimant is disqualified under the provisions of Section 25-4-78(2) of the Unemployment Compensation Law effective June 25, 2006. This disqualification remains in effect until the claimant reenters insured or other acceptable employment-as-specified-in-the-Law, earns wages-in-such-employment-of-not-less-than-ten-times-the weekly benefit amount, and is separated from such employment under nondisqualifying conditions. The maximum amount of benefits to which the claimant may later become entitled is reduced by ten times the weekly benefit amount. Though the claimant may satisfy the requirements set forth in the Law, and become entitled to reduced benefits at a later date, the employer's experience rating account is relieved of charges for this period of employment.

Benefits paid the claimant if any, contrary to this decision, constitute an overpayment which the claimant is required to repay as provided by Section 25-4-91(d)(1)(a) of the Law.

**APPEAL RIGHTS:** This decision becomes final unless an application for leave to appeal to the Board of Appeals is received in writing at the Department address above or by fax at 334-242-0539 on or before the **FINAL DATE OF September 18, 2006**.

  
Ann C. Cook  
Administrative Hearing Officer

ACC/amr

JUL-16-2007 16:05 From: CROOK &amp; HARRELL, LLC 334 677 2872

To: 205 254 1500

P.2/2

EEOC Form 161-B (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Linda Thornton  
100 Armstrong Street  
Headland, AL 36345

From: EEOC  
Ridge Park Place, Ste. 2000  
1130 22<sup>nd</sup> Street S  
Birmingham, AL 35205

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

420-2006-05107

Jean McGinnis-Barrera

(205) 212-2056

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*Deiner Franklin Thomas*  
Deiner Franklin-Thomas, District Director

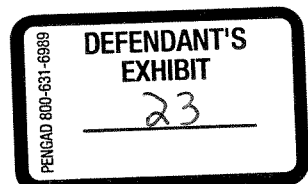
8 MAY 2007

(Date Mailed)

Enclosure(s)

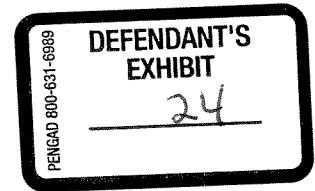
cc: J. Scott Clark, Senior Counsel and Director of  
Labor Relations  
Ralcop Holdings, Inc.  
P. O. Box 618  
St. Louis, MO 63188-0618

Bobbie S. Cook  
Attorney and Counselor at Law  
367 S. St. Andrews Street  
Dothan, AL 36301



LINDA THORNTON V. FLAVOR HOUSE -  
PLAINTIFF'S RFP DOCS 0123

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION



LINDA THORNTON,

Plaintiff,

v.

FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action No.:  
1:07 cv-712-WKW

**PLAINTIFF'S AMENDED RESPONSES TO FLAVOR HOUSE PRODUCTS, INC.'S  
FIRST INTERROGATORIES TO PLAINTIFF**

The plaintiff objects to each discovery request and/or interrogatory to the extent that it may be interpreted to call for the production of information that is privileged, including information protected by the attorney/client privilege and the "work product" privilege. The only information not produced for these reasons in response to Flavor House Products, Inc.'s First Interrogatories to Plaintiff includes:

1. Those documents that include correspondence or similar communications from the plaintiff to her counsel, documents prepared at the request of counsel for the plaintiff for the purpose of this litigation, and correspondence and documents created by counsel for the plaintiff and sent to the plaintiff as a part of this litigation; and,
2. Documents obtained by the plaintiff's counsel from sources other than the plaintiff that constitute attorney work product.

These answers are made by the plaintiff subject to, and without in any way waiving, or intending to waive any of the following:

- i. The confidentiality of answers and/or documents produced;
- ii. All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of any of the documents referred to or answers given, or the subject matter thereof, in any subsequent proceeding in or at the trial of this action or any other action.
- iii. The right to object to other discovery procedures involving or relating to the subject matter of the interrogatories herein responded to; and
- iv. The right at any time to revise, correct, or clarify any of the answers set forth herein or documents produced or referred to herein.

As a general matter, the plaintiff states that she is withholding any communications, such as letters, notes or memoranda, between her attorneys and her, on the basis of attorney-client and/or work product privileges. Any documents withheld on this basis would have been created after her consultation with her current attorneys or other attorneys regarding the matter, and the recipients would include only the attorneys and staff people in the attorneys' offices, and the plaintiff.

#### **SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

1. State the name, address, and telephone number of each employer (whether or not for wages, and including self-employment and independent contracting) to whom Plaintiff applied for employment or from whom Plaintiff sought employment during or subsequent to her employment with Flavor House; for each such employer, specify the date of each application or interview, the identity of the person to whom Plaintiff submitted the application and/or who conducted the interview, whether Plaintiff was offered a position, whether Plaintiff accepted a position, and the starting pay of the position for which Plaintiff applied or was offered.



**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

I applied to work at Army Fleet Support, Ft. Rucker, Alabama while employed for Flavor House sometime during 2004 or 2005. I applied for this position at the unemployment office.

Personnel Resources, 3230 Ross Clark Circle, Dothan, AL 36303, (334) 673-3892, I worked here during September 2006, the work was temporary in nature where I may work one day and not the next. I was not even getting 30 hours per week. I left to get more stable employment with a steady income.

AW Herndon Oil, 1817 Montgomery Highway, Dothan, AL 36303, (334) 793-0699, cashier, \$6.50 per hour x 40 hours per week, October 2006 - March 2007, the reason I left this job was that I hurt my back trying to put an alternator in my car and my doctor felt it was best for me to take some time to get better; my supervisor was Joe (LNU);

Southeastern Oil Gas Station, Main Street, Headland, AL, June 2007 - present, \$7.00 per hour x 40 hours per week, Delle Gore is supervisor, I am a cashier.

2. For each employer (whether or not for wages, and including self-employment and independent contracting) prior to, during or subsequent to Plaintiff's employment with Flavor House, please state the name and address of the employer, Plaintiff's supervisor(s), the dates of her employment, job title, rate of pay, the total gross interim earnings for each employer or from self-employment, and if Plaintiff is still not employed, the reason for her separation from employment.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad, unlimited in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

Flowers Hospital, 3470 West Main Street, Dothan, AL 36305, 1987-1996, LPN, supervisor was Karen Workman, rate of pay was approximately \$9.00 per hour, I was terminated because I had gone to the ER as a result of a physical altercation with my boyfriend, and a drug test showed alcohol/drugs in my system.

Pockets, Lounge, Dothan, AL, 1996. My supervisor was the owner, Ronald Reddy. I

earned minimum wage + tips. My job title was bartender. I left this job because I did not like the hours (nighttime) and I was forced to walk out on this job due to drugs being done there. I was on probation at the time and did not want to jeopardize that.

Henry County Nursing Home, 212 Dothan Road, Abbeville, AL 36310, approximately 1997. I cannot remember my supervisor's name. My rate of pay was approximately \$10.00 per hour. I was terminated because I failed a drug test.

Cutler Egg Products, Inc., P.O. Box 489, Abbeville, AL 36310, 2001. I did assembly line work and earned approximately \$7.00 per hour. I cannot remember my supervisor's name. I was only there about 2 months and left because this job was not for me.

Things & Wings, 2312 S. Oates Street, Dothan, AL 36301. I worked here in 2001 immediately before working for Flavor House Products, Inc. I was a waitress and do not remember my supervisor's name. I earned \$2.25 per hour + tips. I left this job because I did not like split shifts and needed to make more money.

Personnel Resources, P.O. Box 8186, Dothan, AL 36304, June 2001, I worked 90 days here as a temp for Flavor House Products, Inc. and then was hired on directly at Flavor House Products, Inc. When I left this job my job title was Line 3 Label Operator. Chris Jordan was my supervisor when I left. I was earning \$11.90 per hour when I left and working 40-60 hours per week.

Flavor House Products, Inc. , June 2001 - June 21, 2006. When I left this job my job title was Line 3 Label Operator. Chris Jordan was my supervisor when I left. I was earning \$11.90 per hour and working 40-60 hours per week.

Personnel Resources, Dothan, AL - September 2006. I did some temporary work not even getting 30 hours per week. It was a day here and a day there. I left because I needed more stable income.

AW Herndon Oil, cashier, \$6.50 per hour x 40 hours per week, October 2006 - March 2007. I left this job because I had injured my back trying to put an alternator in my car and was on medication. My doctor felt it was best for me to take some time to get better. My supervisor was Joe (LNU).

Southeastern Oil Gas Station, Main Street, Headland, AL, June 2007 - present. I am a cashier and earn \$7.00 per hour x 40 hours per week. Delle Gore is my supervisor.

I have provided this information to the best of my recollection at this time.

3. If, during or subsequent to her employment with Flavor House, Plaintiff received

unemployment compensation, social security benefits, disability benefits, workers' compensation benefits, or any other governmental or private welfare benefit payments, state the date when the benefits were received, the total amount of benefits, and identify the person or entity providing the benefits.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

I received unemployment compensation from the State of Alabama after my employment with Flavor House ended, but I have to repay it as Flavor House appealed the decision for me to receive unemployment and the decision was overturned. The approximate amount I received was \$1980.00. I am not sure the dates on which I received payments. However, I am trying to locate my paperwork regarding this, and will produce it immediately if, and when located.

4. If, during or subsequent to her employment with Flavor House, Plaintiff received any income, compensation, salary, wages, tips, gifts, winnings, revenue, remuneration of any kind other than the income described in the answers to the preceding Interrogatories and income received from Flavor House, identify each source of income, and, with respect to each source, state the total amount of income received.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

I received \$7,610.72 from Vanguard Fiduciary Trust Company, from my 401k savings less federal and state taxes of \$1,902.68.

5. State the full name, phone number, and last known address, giving the street number, city, state and zip code, of every person known to Plaintiff or to her attorneys who has any knowledge, or is believed to have knowledge, regarding the facts and circumstances surrounding the

incidents referred to in the Complaint and Plaintiff's alleged damages. For each person identified, provide a brief description of the information known or believed to be known by that person.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence and to the extent it seeks to invade and violate the attorney client privilege and/or work product doctrine. The plaintiff objects to this interrogatory to the extent that it purports to require the plaintiff to speculate, or predict, the substance of a witness's testimony or to guess what any person knows. The plaintiff objects to this interrogatory to the extent it seeks to require the plaintiff to provide the substance of plaintiff's or plaintiff's counsel's interviews with each witness, as such would violate the work product privilege. Without waiving said objections, Plaintiff responds as follows:

Please see those individual set forth in the plaintiff's Initial Disclosures, as previously produced. In supplement thereto, the plaintiff provides the following:

Kenneth Tew, Progressive Insurance, 111 Teal Trail, Dothan, AL 36303 - Tew is the previous superintendent at Flavor House. He has knowledge about my qualifications and him making me write up a resume when I applied for the position of label operator.

Melvin Hutchins, c/o Defendant Flavor House; Hutchins was a supervisor and he and Tew made me write up a resume when I applied for position of label operator, I complained to him about this sexually derogatory treatment by Williams and he told me that Williams was the only one who knew how to run the machine so I would just have to get a long with him. Melvin Hutchins walked by me after I had made the written statement about the incident with Williams, and I told him that I was not comfortable working with Williams and that I did not feel safe around him. Hutchins told me that he had read my statement and agreed that he would not feel safe either. He reassured me that the situation would be resolved. One of his responses to my complaints was for me to "pray" about it and that he would not feel safe either. When I was moved to Line 5 (which was within twenty feet of Williams) I asked him if this was permanent, because I still did not feel safe. He told me that he needed me on Line 5 right then and could not answer if the move was permanent.

Chris Jordan c/o Defendant Flavor House, Jordan was my supervisor at the time I left. I complained to him about Williams and his discriminatory treatment and harassment many times. He told me it would be taken care of, but nothing was ever done.

Tommy Nance, Address Unknown; HR Department - Nance wrote me up for saying that Williams was a convicted sex offender after he had been saying it to myself and other employees;



**Marianne Boyer, c/o Defendant Flavor House; Boyer is the CEO of plant; the day I quit (Boyer been there 3 years at that time) she said all I had done during that time was complain about sexual discrimination; Thornton said she hadn't done a thing about it. She said that I "bated" Williams into talking to me that way. I told Boyer that the mechanics, who were all male, cursed at and yelled at the female employees and that they called the female employees derogatory names. I told her that the male mechanics would not allow the female operators to make minor repairs on their machines, but did not say anything when male employees made the same or similar repairs. Boyer's typical response to my complaints of sex discrimination and harassment were to tell me that she would have to "deal with it" as she had learned to "deal with it" and she would give me examples of discrimination that she had to "deal with" in the company. I spoke with Tommy and Marianne Boyer, CEO, about the situation with Williams and that I did not feel safe working with Williams and told them that I had started carrying a screwdriver in my back pocket for defense purposes. Despite my statement and statements from witnesses, they concluded that I had somehow "baited" Williams and that no action was to be taken. Boyer accused me of having an issue with sexual discrimination, and that Williams would not be terminated. Recognizing that they were not going to resolve the discrimination and harassment by Frank, I placed her badge on Tommy's desk.**

**Bruce Cassidy, c/o Defendant Flavor House; Cassidy is a former supervisor who became maintenance manager. He is the uncle of Frank Williams. He witnessed they way that Williams talked to me and how he treated me. He did not understand why they let Williams get away with that type of behavior. He also knew what kind of workers I was.**

**David Helms, Address Unknown; Helms fired me once; I had fallen over broken pallet, snagged my pants, and they sent me to a doctor. I had to have a knee brace put on and was sent back to work. Helms said that I had exceeded the he points on attendance according to the policy, so he walked me to door, took my badge and called me two days later and told me to come back to work and they paid me for those two days I was off. This was around the end of 2005 or beginning of 2006.**

**Leagh Taylor, Address Unknown - Taylor was fired two weeks after she told them of threats that Frank Williams made towards myself. Williams said he was going to "get" me. I was written up for talking about it. The reason they used for firing Taylor was "points."**

**Leagh Allum, c/o Defendant Flavor House; Allum works in the office and knows about my complaints and I had left upset on the Friday before I was forced to quit. I was told to go home and think about everything over the weekend because I wanted to quit. I called in sick Monday, Tuesday, and Wednesday and Allum left a message for me that they needed a doctor's excuse for me to come back to work. I called her and said I was quitting and could not work for a company that defended people who treated their employees that way and also a company that hires sex offenders.**

**Kim Perkins, 4010 Mance Newton Road, Lot 609 D, Midland City, AL 36350, (334) 983-**

8347, Perkins may have witnessed Williams' behavior towards me and Perkins did witness his general inappropriate behavior. She was fired approximately 5 months ago.

Wesley McInnis, c/o Defendant Flavor House; McInnis was a mechanic at Flavor House that was written up for calling me ugly names.

Catherine Long, c/o Defendant Flavor House; Long is a witness who was about 10 feet from me when Williams was harassing me. She had been advised not to talk to me when I called her husband, who is a mechanic, to repair my car. Long is not a manager.

Tameaka (LNU), c/o Defendant Flavor House; Tameaka was at back of line and came to me after the incident happened with Williams and asked me what was Williams flipping out about. I was too upset to say anything. I had to write a statement about the incident.

Vicki Cook or Vicki Lewis, c/o Defendant Flavor House; Vickie goes by two names. I am not sure why. Perkins may have witnessed Williams' behavior towards me and Perkins did witness his general inappropriate behavior. She called me after I quit telling me that Frank Williams came to her twice asking about my whereabouts. He said he was going to get me.

Linda Jackson, 307 Jeff Street, Dothan, AL 36303, 334-792-2753; Jackson had worked for Flavor House for 12 years and then had to have hip surgery. She was fired while she was out for that. She was a witness to Frank Williams' behavior. He threw a bat at her during company softball.

John Metcalf, c/o Defendant Flavor House; Metcalf threw jar of peanuts and hit me in the chest. He was suspended for 3 days. I was given a written warning for cussing when the jar hit my chest.

Glenn (LNU), c/o Defendant Flavor House; Glenn is the previous HR/Safety person. He approached me at Christmas Party one time while I was smoking cigarette and got in my face, irate, screaming at me, saying we were not supposed to be smoking. My husband witnessed this display of how I was treated. Glenn made me sign something regarding codes saying that if I made that mistake again that I would voluntarily resign my employment.

David Wilkerson, c/o Defendant Flavor House; He is a mechanic that asked "what are they doing putting a woman in a man's job?" He thought the whole thing was funny.

Wiley Baxter, Broad Street, Headland, AL; Baxter used to be a mechanic at Flavor House. He was in a relationship with Leigh Allums and reported to me that there were lawyers at Flavor House because of me. He said that they gave Frank Williams the choice of quitting or being fired.

Frank Williams, 1408 North Broad Street, Cowarts, Alabama 36321, I first worked with Williams in 2003 as he was supposed to help me learn how to run my machine. I worked with him 3-4 weeks and during that time he treated me in a sexually derogatory manner including yelling at me, cursing at me, and calling me a "fucking stupid bitch." From the time Williams became my Team Leader in 2006 until the end my employment, he treated me in a discriminatory and demeaning manner including, but not limited to, the following: yelling at me; cursing at me every day; constantly talking to me about his sex life with his wife; talking to me about how often he had sex, how they had sex, where they had sex; and stating that he could tell his wife was cheating on him because of the way she "felt" when they had sex. Williams was also very vocal about the fact that he was a registered sex offender, which really scared me. Frank Williams was fired right after Flavor House was served with the complaint in this matter. I have heard Williams has done this to two women since I left. On or about June 14, 2006, I was operating the label machine on Line Three, in my usual position. Williams took over my machine during my break and when I came back, I noticed an overflow of re-work that needed to be done and a box full of bad labels that had to be re-done. As the company was having an important audit done that day, the I asked Williams to help me with the re-work when he walked by. Williams turned around and shouted at the me that he had "better mother-fucking things to do than fucking re-work." Williams continued to yell and curse at me and kept repeating, "God damn mother fucker" at me. Williams walked to the outside of the line and continued to yell at the plaintiff. While still yelling "God damn mother-fucker" at me, he began picking up pallets and slamming them down. He also picked up a large bag of trash and threw it. By this time, a line mechanic had walked up and I asked him several times to call a supervisor on the radio. He tried to call a couple of supervisors and was told "it will be one minute." Donald Coty, the Mechanic Supervisor, walked by and I asked him to call Melvin Hutchins. By the time Hutchins arrived, Williams had quit yelling and cursing at the me, but was still throwing pallets around and glaring at me. I informed Hutchins that this was the last time Williams was going to lose his temper and "go off" on me by cursing and yelling at me and calling me a "God damn mother-fucker" for no apparent reason. Hutchins then called Chris Jordan, Packaging Supervisor, and he came over to my line. Jordan inventoried the my tool bag and then told me to come to his office that afternoon and write out a statement of what happened. I told Jordan about William's discriminatory and harassing treatment of me and that I was tired of having to deal with his behavior. Hutchins and Jordan then left to go back to the audit. At three o'clock, I went to Jordan's office and wrote out a statement. From the time Hutchins and Jordan left until three o'clock when I went to the front office, Williams stood at my re-work table glaring at me, making me extremely uncomfortable. Williams' demeanor was very intimidating and because I knew that he had a history of violence against women, I was afraid he was going to hurt me. I was so scared of Williams that I took a screwdriver out of my tool bag and began carrying it around in my back pocket.

Jeff Vinson, c/o Defendant Flavor House; He was the first one I heard from regarding about lawyers being out at Flavor House. He is an employee and supervisor over mechanics.

Ricky Smothers, c/o Defendant Flavor House; I asked Ricky Smothers, the Supervisor

over all Supervisors, if the move to Line 5 (after incident where I had to write statement about Williams) was permanent and he told me I would have to talk to Tommy (LNU) in PR. Smothers was not fully aware of the incident that had occurred between myself and Williams or of my written statement complaining about the discriminatory and harassing treatment to which I had been subjected. I was so upset that I had to clock out and go outside to calm down. Hutchins asked me to leave because he did not want people to see me crying. Hutchins and Smothers followed me outside and told me to leave the property and come back in an hour to meet Tommy.

Janie Courtney, 561 Granger Street, Cottonwood, AL 36320, 334-691-4309. She was in Quality Control at Flavor House, and complained about Frank Williams filthy mouth. He had screamed and yelled at her, too.

Jean (LNU), Address Unknown; She was in Quality Control at Flavor House. She is a witness to Williams' behavior.

Elizabeth (LNU), Address Unknown; She was in Quality Control at Flavor House. She is a witness to Williams' behavior. She is no longer employed at Flavor House.

Shavone (LNU), Address Unknown; Shavone had a lawsuit 2-3 years ago against Flavor House and won. Her supervisor was harassing her.

Charlene Chenault, Address Unknown. I have been told that Chenault has or had a sexual harassment case against Flavor House. She currently works for Mike Schmidt's Car Dealership in Dothan.

Beulah Davis, 600 County Road 79, Headland, AL 36345, 334-983-5813, 334-791-8786. Davis witnessed Frank Williams behavior towards myself.

6. Please state the name, address, and telephone number of every medical doctor, psychologist, psychiatrist, counselor, therapist or other similar health professional, and of every hospital, clinic, or other institution, from whom Plaintiff received treatment within the last ten years preceding the date of service of these interrogatories up through the date of trial in this case.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

Dr. Niel Rasmusen, Headland Family Practice, 204 Holman Drive, Headland, AL -



**general practitioner;**

**Dr. Richard L. Bendinger, Jr., 217 Dothan Road, Abbeville, AL 36310, (334) 585-6101; I began seeing Dr. Bendinger two years ago.**

**Southeastern Medical Center, 1108 Ross Clark Circle, Dothan, AL 36301, I went there in October 2007 for chest pains which were a result of anxiety due to this case.**

7. Identify each physician, psychiatrist, psychologist, therapist, counselor, other health care professional, or other care provider who examined, treated, diagnosed, consulted, or otherwise attended to Plaintiff on account of any injury she claims to have received as a result of any conduct alleged in the Complaint, and state as to each individual identified the dates and duration of examination, treatment, diagnosis, consultation or other attention, the complaints Plaintiff presented, the conduct to which Plaintiff attributed her complaint, the diagnosis provided to Plaintiff, and the prognosis provided to Plaintiff.

**RESPONSE:** Dr. Richard L. Bendinger, Jr., 217 Dothan Road, Abbeville, AL 36310, (334) 585-6101; I began seeing Dr. Bendinger in 2005. I do not know the exact dates of all of my visits. He knows about the harassment I suffered at Flavor House. He knows about my stress, anxiety, and waking up crying with nightmares about Frank Williams, etc. Dr. Bendinger wants to refer me to a psychologist.

**Southeastern Medical Center, 1108 Ross Clark Circle, Dothan, AL 36301, I went there in October 2007 for chest pains which were a result of anxiety due to this case.**

8. Identify all prescription medications or other drugs that Plaintiff has taken within the ten years preceding the date of service of these interrogatories, and state for each prescription medication identified who prescribed it, the condition for which the medication was prescribed, and the duration of the prescription and all refills.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor

reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

The medications that I have taken are: Nexium (Gastric Reflux), Klonopin (medication prescribed for anxiety since this case has stirred up), Zoloft (anti-depressant that I have begun taking since my hospitalization in October 2007), Zanaflex (muscle relaxer for back that I have been taking since 2006), Durahist (medication for sinus problems that I have been prescribed twice), Paxil (anti-depressant that I took while working for Flavor House; when I stopped working there I got off of this), Lorcet (pain medication for back - I began taking this in 2006), Benacar (blood pressure medication that I began taking in 2006 and that I have not needed since I stopped working for Flavor House). All of these medications have been prescribed by Dr. Bendinger.

9. Please provide the names, address, and telephone number of each person that Plaintiff or her attorneys have communicated with or interviewed concerning the facts and circumstances surrounding the incidents referred to in the Complaint, Plaintiff's alleged damages, Plaintiff's employment with Flavor House, or any other matter related to this lawsuit.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence and to the extent it seeks to invade and violate the attorney client privilege and/or work product doctrine. Without waiving said objections, Plaintiff responds as follows:

Kim Perkins, 4010 Mance Newton Road, Lot 609 D, Midland City, AL 36350, (334) 983-8347.

10. Please identify every document which Plaintiff contends support her claims.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence and to the extent it seeks to invade and violate the attorney client privilege and/or work product doctrine. Without waiving said objections, Plaintiff responds as follows:

Please see documents provided in Plaintiff's Initial Disclosures, which were previously produced and bates labeled: 0001-0119.

11. Please identify each expert who may be called as a witness on Plaintiff's behalf at the trial of this case, or any expert used for consultation who is not expected to be called as a witness at trial if the consulting expert's work product forms a basis, either in whole or in part, of the opinions of an expert who is to be called as a witness. With respect to each expert, provide full disclosure of the information set forth in Rule 26(a)(2)(B).

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**RESPONSE:** The plaintiff objects to this interrogatory to the extent that it purports to require the plaintiff to predict the substance of a witness's testimony or to guess what any person knows. The plaintiff objects to this interrogatory to the extent it seeks to require the plaintiff to provide the substance of plaintiff's or plaintiff's counsel's interviews with each witness, as such would violate the work product privilege. The plaintiff will provide the defendant expert witness disclosures for trial pursuant to Rule 26 at the appropriate time according to the scheduling orders of the court; the defendant may not require the plaintiff to provide one before that time Without waiving this objection, the plaintiff states as follows:

None at this time.

11. Identify all documents and tangible things, including all tangible reports, physical models, compilations of data, demonstrative exhibits and other material prepared by an expert in anticipation of the expert's trial and/or deposition testimony in this case.

**RESPONSE:** The plaintiff objects to this interrogatory to the extent that it purports to require the plaintiff to predict the substance of a witness's testimony or to guess what any person knows. The plaintiff objects to this interrogatory to the extent it seeks to require the plaintiff to provide the substance of plaintiff's or plaintiff's counsel's interviews with each witness, as such would violate the work product privilege. The plaintiff will provide the defendant expert witness disclosures for trial pursuant to Rule 26 at the appropriate time according to the scheduling orders of the court; the defendant may not require the plaintiff to provide one before that time Without waiving this objection, the plaintiff states as follows:

None at this time.

12. List each specific item of damages Plaintiff contends she is entitled to recover in this lawsuit. Include the type of damages (i.e., lost wages, medical expenses, liquidated damages, etc.), the amount, the source, (e.g., medical expense owed or paid to a particular hospital), and the date(s)

the alleged item of damage was incurred.

**RESPONSE:** The plaintiff objects to this interrogatory in that it is vague, overly broad, and to the extent it seeks to invade and violate the attorney client privilege and/or work product doctrine. Notwithstanding and without waiving said objections, Plaintiff responds as follows:

I will seek my lost wages (backpay) from the date I was constructively discharged and the value of corresponding benefits. A preliminary backpay chart is submitted herewith. I will also seek compensatory damages for the emotional and mental suffering I have experienced as a result of the unlawful actions of the defendant and will seek punitive damages in relation to the unlawful actions of the defendant in amounts to be determined by the jury. I will also seek reasonable attorneys' fees and expenses incurred on my behalf in this matter.

13. If Plaintiff has been a party, a witness, or debtor, to any other lawsuit, mediation, arbitration, administrative proceeding, or charge, please state the name(s) of the plaintiff(s) and defendant(s), the court or agency in which the lawsuit or charge was filed, the date it was filed, and the nature of the lawsuit or charge.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad, unlimited in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

The present suit.

I was a plaintiff in lawsuit (around 2002) against Officer Jameson and the Headland Police Department for holding my children on ground at nighttime with shotgun. The officer thought my children had a gun, but they were shooting bottle rockets. Jameson cannot be a police officer ever again. The case was dismissed after depositions. The case was filed in Headland County.

I have been sued by two creditors, Chase Credit & Army Aviation, both in Houston County for debts. My credit was good when I worked for Flavor House, but since then I have been unable to pay all of my bills on time.

14. If plaintiff has ever been arrested or convicted for a misdemeanor or felony, state the date, place and charges made in connection with each such arrest, and the ultimate disposition or current status of the charges.



**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad, unlimited in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

I was arrested for possession of marijuana (misdemeanor) approximately ten years ago in Henry County, Alabama. I was on probation for a year, and had to pay fines of approximately \$100 or a little more.

I was arrested for domestic violence charge with my ex-husband, Mylan Owens. This was over then years ago, but I cannot remember exactly when. It was thrown out of court.

15. Please state whether, at any time during or after her employment with Flavor House, Plaintiff ever recorded information in any form, including, but not limited to, diaries, journals, logs, calendars, notes, or memoranda, referring and/or relating to her claims and/or employment with Flavor House, and identify for each such record:

- (a) the format of the record;
- (b) the date the record was made;
- (c) the facts contained in the record;
- (d) the current location of the record.

**RESPONSE:** Plaintiff objects to this interrogatory to the extent that is overly broad, unlimited in temporal scope and seeks information which is not relevant or material to the case at hand nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Without waiving said objections, Plaintiff responds as follows:

During my employment at Flavor House, I kept random notes about things that were going on. I do not know where these notes are, or if I still even have them, but am looking for them.

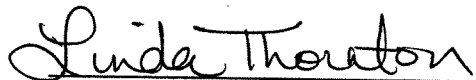
16. Please identify all persons who have either answered or assisted in answering these Interrogatories. As to each individual identified, indicate the interrogatories he or she answered, or with respect to which he or she participated in answering, or provide factual information used in

answering.

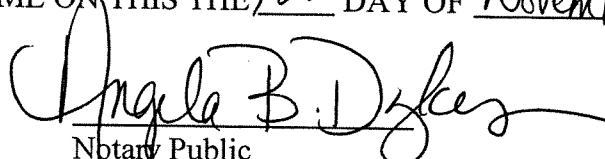
**RESPONSE:** Plaintiff objects to this interrogatory to the extent it seeks to invade and violate the attorney client privilege and/or work product doctrine. Without waiving said objections, Plaintiff responds as follows:

**My attorneys and their office staff helped type up my answers.**

As to the Interrogatory Responses,

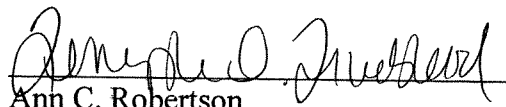
  
Linda Thornton

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 12<sup>th</sup> DAY OF November 2007.

  
Notary Public  
My Commission Expires:

SEAL

As to the objections,  
Respectfully submitted,

  
Ann C. Robertson  
Temple D. Trueblood  
Counsel for Plaintiff

**OF COUNSEL:**  
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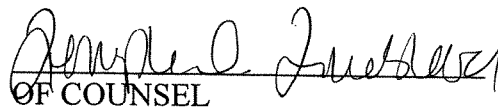
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following via e-mail  
correspondence and via first class U.S. Mail, postage pre-paid and properly addressed to:

Anderson B. Scott  
Christine E. Howard  
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Christopher W. Weller  
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150 South Perry Street  
Montgomery, AL 36104

on this the 14<sup>th</sup> day of November, 2007.

  
OF COUNSEL

**FREEDOM COURT REPORTING**

1	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CASE NUMBER: 1:07-CV-712-WKW</p> <p>6</p> <p>7 LINDA THORNTON,</p> <p>8 Plaintiff(s),</p> <p>9</p> <p>10 vs.</p> <p>11</p> <p>12 FLAVOR HOUSE PRODUCTS, INC., and FRANKLIN</p> <p>13 D. WILLIAMS, JR.,</p> <p>14 Defendant(s).</p> <p>15</p> <p>16 VIDEOTAPED DEPOSITION OF:</p> <p>17 MARY ANN BOYER</p> <p>18 March 4, 2008</p> <p>19 10:00 a.m.</p> <p>20 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>21 The Kress Building</p> <p>22 301 - 19th Street North</p> <p>23 Birmingham, Alabama 35203</p>	3
2	<p>1 In accordance with Rule 5(d) of the</p> <p>2 Alabama Rules of Civil Procedure, as</p> <p>3 amended, effective May 15, 1988, I,</p> <p>4 Shannon L. Carroll, am hereby delivering</p> <p>5 to Ms. Ann C. Robertson the original</p> <p>6 transcript of the oral testimony taken on</p> <p>7 the 4th day of March 2008, along with</p> <p>8 exhibits.</p> <p>9 Please be advised that this is the</p> <p>10 same and not retained by the Court</p> <p>11 Reporter, nor filed with the Court.</p> <p>12</p> <p>13 STIPULATION</p> <p>14</p> <p>15 IT IS STIPULATED AND AGREED, by and</p> <p>16 between the parties through their</p> <p>17 respective counsel, that the deposition</p> <p>18 of MARY ANN BOYER may be taken before</p> <p>19 SHANNON L. CARROLL, CCR, RPR, at the Law</p> <p>20 Offices of Wiggins, Childs, Quinn &amp;</p> <p>21 Pantazis, LLC, The Kress Building, 301 -</p> <p>22 19th Street North, Birmingham, Alabama</p> <p>23 35203, on the 4th day of March 2008.</p>	4
1	<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that it shall not be necessary for any</p> <p>3 objections to be made by counsel to any</p> <p>4 questions except as to form or leading</p> <p>5 questions, and that counsel for the</p> <p>6 parties may make objections and assign</p> <p>7 grounds at the time of the trial, or at</p> <p>8 the time said deposition is offered in</p> <p>9 evidence, or prior thereto.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that notice of filing of deposition by</p> <p>12 commissioner is waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	3
1	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY PAGE NUMBER</p> <p>4 Ms. Robertson 9 - 93</p> <p>5</p> <p>6</p> <p>7 EXHIBITS DESCRIPTION PAGE NUMBER</p> <p>8 Plaintiffs:</p> <p>9 No. 1 Deposition Notice 8</p> <p>10 No. 2 Personnel Action Summary 44</p> <p>11 No. 3 Employee Status Change 47</p> <p>12 No. 4 Memorandum 48</p> <p>13 No. 5 Memorandum 49</p> <p>14 No. 6 Documentation Form 52</p> <p>15 No. 7 Documentation Form 57</p> <p>16 No. 8 Documentation Form 73</p> <p>17 No. 9 Documentation Form 74</p> <p>18 No. 10 Employment Application 78</p> <p>19 No. 11 Sex Offender Posting 80</p> <p>20 No. 12 Documentation Form 88</p> <p>21</p> <p>22</p> <p>23</p>	4

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**FREEDOM COURT REPORTING**

<p style="text-align: right;">5</p> <p>1 APPEARANCES</p> <p>2 BEFORE:</p> <p>3 SHANNON L. CARROLL, CCR, RPR</p> <p>4</p> <p>5</p> <p>6 APPEARING ON BEHALF OF THE PLAINTIFF(S):</p> <p>7 MS. ANN C. ROBERTSON</p> <p>8 Wiggins, Childs, Quinn &amp; Pantazis,</p> <p>9 LLC</p> <p>10 The Kress Building</p> <p>11 301 - 19th Street North</p> <p>12 Birmingham, Alabama 35203</p> <p>13</p> <p>14</p> <p>15 APPEARING ON BEHALF OF THE DEFENDANT(S):</p> <p>16 MS. JENNIFER F. SWAIN</p> <p>17 Baker, Donelson, Bearman, Caldwell</p> <p>18 &amp; Berkowitz, PC</p> <p>19 1600 Wachovia Tower</p> <p>20 420 - 20th Street North</p> <p>21 Birmingham, Alabama 35203</p> <p>22</p> <p>23</p>	<p style="text-align: right;">7</p> <p>1 I, Shannon L. Carroll, acting as</p> <p>2 Commissioner, certify that on this date</p> <p>3 as provided by Rule 30 of the Alabama</p> <p>4 Rules of Civil Procedure and the</p> <p>5 foregoing stipulation of counsel, there</p> <p>6 came before me at the Law Offices of</p> <p>7 Wiggins, Childs, Quinn &amp; Pantazis, LLC,</p> <p>8 The Kress Building, 301 - 19th Street</p> <p>9 North, Birmingham, Alabama 35203, on the</p> <p>10 4th day of March 2008, commencing at</p> <p>11 approximately 10:00 a.m., MARY ANN BOYER,</p> <p>12 witness in the above cause for oral</p> <p>13 examination, whereupon the following</p> <p>14 proceedings were had:</p> <p>15</p> <p>16 THE REPORTER: Will this be</p> <p>17 usual stipulations?</p> <p>18 MS. SWAIN: No. Read and</p> <p>19 sign.</p> <p>20 THE REPORTER: Send it to</p> <p>21 you, Jennifer?</p> <p>22 MS. SWAIN: I'm sorry?</p> <p>23 THE REPORTER: You want me to</p>
<p style="text-align: right;">6</p> <p>1 APPEARANCES</p> <p>2 (Continued)</p> <p>3</p> <p>4</p> <p>5 ALSO PRESENT:</p> <p>6 MS. LYNNE SULLIVAN, VIDEOGRAPHER</p> <p>7 MR. SCOTT CLARK</p> <p>8 MS. DEE LAKE</p> <p>9 MS. LINDA THORNTON</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">8</p> <p>1 send it to you?</p> <p>2 MS. SWAIN: Yes. That will</p> <p>3 be fine.</p> <p>4 THE REPORTER: Okay.</p> <p>5</p> <p>6 Whereupon,</p> <p>7 MARY ANN BOYER,</p> <p>8 being first duly sworn, was examined and</p> <p>9 testified as follows:</p> <p>10</p> <p>11 (Whereupon, Plaintiff's Exhibit No. 1 was</p> <p>12 marked for identification, and same is</p> <p>13 attached hereto.)</p> <p>14</p> <p>15 MS. ROBERTSON: While we were</p> <p>16 off the record, we had marked as</p> <p>17 Plaintiff's Exhibit No. 1 to Ms. Boyer's</p> <p>18 deposition, it's our -- the Plaintiff's</p> <p>19 30(b)(6). And as I understand it, not</p> <p>20 only am I going to be taking her in her</p> <p>21 individual capacity, but as to the things</p> <p>22 circled on Plaintiff's Exhibit No. 1, she</p> <p>23 will be the corporate representative to</p>

2 (Pages 5 to 8)



## FREEDOM COURT REPORTING

<p>9</p> <p>1 give the 30(b)(6) testimony; is that 2 right?</p> <p>3 MS. SWAIN: That's correct. 4 Subject to our objections. 5 MS. ROBERTSON: Okay. 6</p> <p>7 EXAMINATION BY MS. ROBERTSON: 8 Q. State your name, please, 9 ma'am?</p> <p>10 A. Mary Ann Boyer, B-O-Y-E-R. 11 Mary Ann is two words. No E at the end 12 of Ann. 13 Q. No surplusage, that's what I 14 always say. 15 A. There's several different 16 ways to spell it. 17 Q. Yeah. But my name is Ann 18 too -- 19 A. Oh, is it? 20 Q. -- and I always say no 21 surplusage. 22 A. That's a good way to say it. 23 Q. And where do you live, Ms.</p>	<p>11</p> <p>1 Q. Can you spell that first 2 name? 3 A. H-I-L-O. 4 Q. And how long did you live in 5 Hawaii? 6 A. Approximately three years. 7 Q. During these -- during this 8 time you've just recited, were you always 9 with Flavor House? 10 A. Ralcorp is the parent 11 company, and I was actually with them in 12 both Hopkinsville, Kentucky and in 13 Dothan, Alabama. 14 Q. And where -- who were you 15 with in Hawaii? 16 A. Mauna Loa Macadamia Nuts. 17 Q. Will you spell that for me 18 and the Court Reporter? 19 A. M-A-U-N-A, second word Loa, 20 L-O-A, Macadamia, M-A-C-A-D-E-M-A (sic). 21 Q. And how did you come -- what 22 is the corporate name of -- of Flavor 23 House?</p>
<p>10</p> <p>1 Boyer? 2 A. I live in Dothan, Alabama 3 currently. 4 Q. And how long have you lived 5 there, please, ma'am? 6 A. It will be four years this 7 coming September. 8 Q. And where in Dothan do you 9 live? What's your street address? 10 A. 3203 North County Road 9, 11 Dothan, Alabama. My permanent residence 12 is four years -- I was actually in an 13 apartment, so it will be four years in 14 July including my apartment. Let me 15 correct that. 16 Q. Okay. And where did you live 17 before Dothan? 18 A. Hopkinsville, Kentucky. 19 Q. And how did you -- how long 20 did you live there? 21 A. Approximately three years. 22 Q. And before that? 23 A. Hilo, Hawaii.</p>	<p>12</p> <p>1 A. Ralcorp is the parent 2 company. 3 Q. All right. For my own 4 information, I'm just going to call it 5 Flavor House. 6 A. That's fine. 7 Q. Or -- and meaning its 8 subsidiaries or whatever. 9 A. That's our tax identity -- 10 Q. Okay. 11 A. -- for the division I'm with. 12 Q. How did you come to be 13 employed at Flavor House? 14 A. I was out there with Mauna 15 Loa Macadamia, C. Brewer was the parent 16 company, and they divested the business 17 to a venture capital company, so that 18 allowed me to seek other employment. 19 Q. Did -- did they go out of 20 business or they just laid off people 21 or -- 22 A. They sold to a venture 23 capital company. And when they -- you</p>

3 (Pages 9 to 12)

## FREEDOM COURT REPORTING

<p style="text-align: right;">13</p> <p>1 sell to a venture capital company -- I</p> <p>2 got a very good parachute deal, was</p> <p>3 released senior management.</p> <p>4 Q. And how did you hear about</p> <p>5 the Flavor House job?</p> <p>6 A. Actually, through Monster dot</p> <p>7 com, believe it or not. Kind of crazy,</p> <p>8 but --</p> <p>9 Q. That's a search engine that</p> <p>10 -- that has job sites, jobs on it?</p> <p>11 A. Um-hum (positive response).</p> <p>12 Q. Is that right? You need to</p> <p>13 say yes or no.</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. And -- and so when you</p> <p>16 found it on Monster dot com, then what</p> <p>17 happened?</p> <p>18 A. I posted my resume and I went</p> <p>19 through the interview process.</p> <p>20 Q. Who were you -- who hired</p> <p>21 you?</p> <p>22 A. Rich Coloris was actually the</p> <p>23 person I reported to, so he would be the</p>	<p style="text-align: right;">15</p> <p>1 they were going to do?</p> <p>2 A. The usual boilerplate drug</p> <p>3 screen.</p> <p>4 Q. Okay. Now, when you were</p> <p>5 hired in 2001 at Flavor House, what was</p> <p>6 your position?</p> <p>7 A. Director of operations for</p> <p>8 the Princeton, Kentucky site.</p> <p>9 Q. And what did they do at</p> <p>10 Princeton, Kentucky?</p> <p>11 A. Crackers. A little bit of</p> <p>12 cookies, but mostly crackers. It's a</p> <p>13 manufacturing site.</p> <p>14 Q. How many -- do you know how</p> <p>15 many locations Flavor House has?</p> <p>16 A. There is really only one</p> <p>17 Flavor House, but our division has</p> <p>18 several locations. In the nut business,</p> <p>19 we have a location in Massachusetts, one</p> <p>20 in Pennsylvania and one in Dothan,</p> <p>21 Alabama.</p> <p>22 Q. Was -- was the Princeton,</p> <p>23 Kentucky in your division that you are</p>
<p style="text-align: right;">14</p> <p>1 person who hired me.</p> <p>2 Q. And I assume he was one of</p> <p>3 the people that you interviewed with?</p> <p>4 A. Yes. That is correct.</p> <p>5 Q. When you were hired, what</p> <p>6 year was that?</p> <p>7 A. Let's see. It was seven</p> <p>8 years in -- 2001.</p> <p>9 Q. And were you hired -- was</p> <p>10 there a background check done on you</p> <p>11 before you were hired?</p> <p>12 A. Yes. I believe so.</p> <p>13 Q. And do you know what that</p> <p>14 background check entailed?</p> <p>15 A. No, not specifically.</p> <p>16 Q. Do you know if they did a</p> <p>17 criminal background on you?</p> <p>18 A. I believe so.</p> <p>19 Q. Do you know if they did a</p> <p>20 credit check on you?</p> <p>21 A. Yes, I believe they did.</p> <p>22 Q. Anything else you can think</p> <p>23 of that they -- that they told you that</p>	<p style="text-align: right;">16</p> <p>1 currently in?</p> <p>2 A. It is now. They merged the</p> <p>3 two divisions. They merged the nut</p> <p>4 division and the cracker and cookie</p> <p>5 division. It's now called Bremner Food</p> <p>6 Groups.</p> <p>7 Q. And what other divisions does</p> <p>8 the parent company have?</p> <p>9 A. They have a frozen bakery</p> <p>10 division. They have Carriage House,</p> <p>11 which is condiments, peanut butter. And</p> <p>12 they also have a cereal division.</p> <p>13 Q. All right. Do -- you are the</p> <p>14 director of operations in Princeton,</p> <p>15 Kentucky, and as I understand it, you are</p> <p>16 now the director of operations in Dothan;</p> <p>17 is that accurate?</p> <p>18 A. That is correct.</p> <p>19 Q. Were your job descriptions --</p> <p>20 are your job descriptions the same or</p> <p>21 basically the same in Kentucky and</p> <p>22 Alabama?</p> <p>23 MS. SWAIN: Objection.</p>

**FREEDOM COURT REPORTING**

<p style="text-align: right;">17</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me what your job</p> <p>3 -- your job description is or was or --</p> <p>4 MS. SWAIN: I'm going to</p> <p>5 object just to the term job description.</p> <p>6 Q. Or job duties?</p> <p>7 A. I basically have</p> <p>8 responsibility for the site, the</p> <p>9 manufacturing site.</p> <p>10 Q. Can you be a little more</p> <p>11 specific in terms of what your</p> <p>12 responsibilities are?</p> <p>13 A. At a job site such as that,</p> <p>14 there is department managers of all basic</p> <p>15 functions, human resources, maintenance,</p> <p>16 engineering, production, QA, warehousing,</p> <p>17 logistics, finance. All those heads of</p> <p>18 those departments report in to me.</p> <p>19 Q. You said maintenance,</p> <p>20 finance, HR, what else?</p> <p>21 A. Quality assurance,</p> <p>22 production.</p> <p>23 Q. When you got to Dothan, who</p>	<p style="text-align: right;">19</p> <p>1 did he leave?</p> <p>2 A. No. Richard moved back up to</p> <p>3 the Princeton site.</p> <p>4 Q. Who was the head of finance</p> <p>5 when you went there to Alabama?</p> <p>6 A. A gentleman named Larry Stein</p> <p>7 came about the same time I did.</p> <p>8 Q. Is he still there?</p> <p>9 A. No. He went back to the St.</p> <p>10 Louis corporate office.</p> <p>11 Q. And who does his function</p> <p>12 now?</p> <p>13 A. Deborah Nettles.</p> <p>14 Q. Was she already with Flavor</p> <p>15 House when she took over that position?</p> <p>16 A. No. We hired her from the</p> <p>17 outside.</p> <p>18 Q. What -- what about the HR</p> <p>19 department head when you got there?</p> <p>20 A. Glen Warren came in at the</p> <p>21 same time I did.</p> <p>22 Q. Who did he replace?</p> <p>23 A. There really was no head of</p>
<p style="text-align: right;">18</p> <p>1 was the head of maintenance? Who was the</p> <p>2 department head?</p> <p>3 A. Ricky Smothers.</p> <p>4 Q. Is that still true today?</p> <p>5 A. Yes. Ricky straddles both</p> <p>6 worlds of maintenance and production</p> <p>7 currently.</p> <p>8 Q. At the time you went to -- to</p> <p>9 Alabama, was -- was he just the</p> <p>10 maintenance department head?</p> <p>11 A. Yes. That is correct.</p> <p>12 Q. And when did he become also</p> <p>13 the production department head?</p> <p>14 A. He moved into maintenance at</p> <p>15 5 -- or he moved into production at May</p> <p>16 1st, '06.</p> <p>17 Q. And who did he replace in the</p> <p>18 production function?</p> <p>19 A. Richard Holland was in that</p> <p>20 function for about a year prior to Ricky.</p> <p>21 Q. Holland?</p> <p>22 A. Yes.</p> <p>23 Q. Did he -- was he let go or</p>	<p style="text-align: right;">20</p> <p>1 HR at that site. HR reported in to the</p> <p>2 Massachusetts plant.</p> <p>3 Q. Were there any HR people</p> <p>4 there at the time that you came?</p> <p>5 A. Yes. Leigh Allums was there</p> <p>6 and she's still there.</p> <p>7 Q. Is that A-L-L-U-M-S?</p> <p>8 A. I believe so.</p> <p>9 Q. And what was her title?</p> <p>10 A. I'm not sure of her exact</p> <p>11 title. But she handled HR almost more on</p> <p>12 a clerical versus managerial level.</p> <p>13 Q. Was Leigh Taylor there at</p> <p>14 that time?</p> <p>15 A. Not when I initially came,</p> <p>16 no.</p> <p>17 Q. Was she hired later in</p> <p>18 personnel or HR?</p> <p>19 A. She was not in HR. She was</p> <p>20 accounts payable.</p> <p>21 Q. Who is the head of accounts</p> <p>22 payable?</p> <p>23 A. That reports to finance. It</p>

## FREEDOM COURT REPORTING

<p style="text-align: right;">21</p> <p>1 was -- was a gentleman named Bravin Helms  2 at the time.  3 Q. And is Glen Warren still  4 there?  5 A. No. He got promoted to the  6 head of safety for the entire Ralcorp  7 parent company in St. Louis.  8 Q. And who took his place?  9 A. Initially a gentleman named  10 David Helms.  11 Q. Is he still there?  12 A. No. David is no longer with  13 us.  14 Q. When did he leave?  15 A. I don't know the exact date.  16 David moved back home due to personal  17 family issues.  18 Q. How long was he at Flavor  19 House?  20 A. Probably close to a year.  21 Q. And who took his place?  22 A. Tommy Nance.  23 Q. Was he hired from the outside</p>	<p style="text-align: right;">23</p> <p>1 that divisional HR sets upon any plant,  2 updating safety programs, and Tommy had a  3 problem with the timeliness of his  4 completion of a lot of those tasks.  5 Q. And who took his place?  6 A. Dee Lake.  7 Q. D-E-E?  8 A. Yeah. Deanna is her formal  9 name, but we call her Dee.  10 Q. Do you remember when Mr.  11 Nance left?  12 A. I believe it was around  13 October.  14 Q. Do you remember any of the  15 other deadlines that he had not met?  16 MS. SWAIN: Objection.  17 A. It was primarily the  18 deadlines for the safety, updating the  19 program, revision on a handbook policy,  20 those type of things.  21 Q. Was one of the -- he -- well,  22 had he failed to or meet the deadline of  23 disseminating a new policy manual? Was</p>
<p style="text-align: right;">22</p> <p>1 or was he --  2 A. Yes, he was.  3 Q. Is he still there?  4 A. No, he is not.  5 Q. Was he involuntarily  6 released?  7 A. Yes. We released Tommy.  8 Q. And what was the reason?  9 A. Tommy's skills and talents  10 didn't match the expectations of the  11 corporation.  12 Q. Was there also some problem  13 with his credit card use?  14 A. He had a corporate credit  15 card, yes, that he didn't pay us back the  16 balance on. But that was -- had nothing  17 to do with why he was released.  18 Q. Can you tell me what his  19 performance problems were?  20 MS. SWAIN: Objection. Go  21 ahead.  22 A. There are a lot of deadlines  23 that an HR manager is expected to meet</p>	<p style="text-align: right;">24</p> <p>1 that one of his deadline problems?  2 MS. SWAIN: I object to the  3 form.  4 A. There was a deadline to issue  5 the policy manual and Tommy got hung up  6 with selecting a printer and some  7 mechanical issues of the issue of the  8 policies mainly, yes.  9 Q. Who -- who was the head of  10 quality assurance when you came?  11 A. Sammy Lightsey.  12 Q. Lightsey?  13 A. Yes. Like light and then  14 S-E-Y on the end.  15 Q. Is that -- is that a he or a  16 she?  17 A. It's a he.  18 Q. And is he still there?  19 A. Yes, he is.  20 Q. Do you know Leigh Allums'  21 educational background?  22 A. No, I do not specifically.  23 Q. But is it fair to say that at</p>

6 (Pages 21 to 24)



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<p style="text-align: right;">25</p> <p>1 the time you came in 2004, she --</p> <p>2 whatever HR function was being performed,</p> <p>3 it was done by her?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A. She did it with the support</p> <p>6 of a person from Billerica.</p> <p>7 Q. From where?</p> <p>8 A. Billerica, Massachusetts.</p> <p>9 The senior management team at that time</p> <p>10 prior to my coming on board was out of</p> <p>11 the Massachusetts plant.</p> <p>12 Q. And is -- and was that her</p> <p>13 direct report to -- to the -- the</p> <p>14 Billerica fellow?</p> <p>15 A. It was a woman.</p> <p>16 Q. Or woman?</p> <p>17 A. Um-hum (positive response).</p> <p>18 She reported in to the -- Dan Ruiz was</p> <p>19 the plant -- I'm not sure of his title.</p> <p>20 He was acting as site manager, and Dan</p> <p>21 reported in to somebody at Massachusetts.</p> <p>22 Leigh actually kind of reported to him,</p> <p>23 a dotted line, I believe, to a person in</p>	<p style="text-align: right;">27</p> <p>1 somebody called a plant manager?</p> <p>2 A. Director of operations is</p> <p>3 basically glorified plant manager.</p> <p>4 Q. Okay.</p> <p>5 A. They are a plant manager,</p> <p>6 plus they might handle things in a</p> <p>7 broader business sense.</p> <p>8 Q. Under the -- the director or</p> <p>9 the department manager in maintenance,</p> <p>10 were there any other positions other than</p> <p>11 maintenance people?</p> <p>12 A. When I came, there were no</p> <p>13 supervisors, but there were team leads.</p> <p>14 Within about a year, we created a</p> <p>15 structure where there were truly</p> <p>16 supervisors on each shift. And so in</p> <p>17 most cases, the team leads became</p> <p>18 supervisors. There was one shift where</p> <p>19 another person was chosen.</p> <p>20 Q. Do you remember who the</p> <p>21 supervisors were or -- in 2005?</p> <p>22 A. Donald Coty was on first</p> <p>23 shift. I believe we still had Wiley</p>
<p style="text-align: right;">26</p> <p>1 Massachusetts.</p> <p>2 Q. Who was the plant manager</p> <p>3 when you got there?</p> <p>4 A. Dan Ruiz. I'm not sure that</p> <p>5 was exactly his title, but --</p> <p>6 Q. Is he still there?</p> <p>7 A. No.</p> <p>8 Q. When did he leave in relation</p> <p>9 to when you came?</p> <p>10 A. Probably about three or four</p> <p>11 months after I came on board.</p> <p>12 Q. And what was the reason for</p> <p>13 him leaving?</p> <p>14 A. There was just no place for</p> <p>15 him once they created a new structure at</p> <p>16 the plant.</p> <p>17 Q. And so they didn't replace</p> <p>18 him in terms of his job position, is that</p> <p>19 what you are saying?</p> <p>20 A. Basically I took his duties,</p> <p>21 plus a wider scope of duties.</p> <p>22 Q. Did they -- did -- does</p> <p>23 Flavor House then or now have a --</p>	<p style="text-align: right;">28</p> <p>1 Baxter on second shift, and Harrel Mixon</p> <p>2 on third shift.</p> <p>3 Q. Harold Mixon?</p> <p>4 A. Um-hum (positive response).</p> <p>5 H-A-R-R-E-L is Harrel.</p> <p>6 Q. Harrel, okay.</p> <p>7 A. Yeah, Harrel. And Mixon is</p> <p>8 like Nixon only with an M.</p> <p>9 Q. And at or about the time --</p> <p>10 well, in about 2005, these fellows were</p> <p>11 team leaders and were converted to</p> <p>12 supervisors; is that right?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A. I think in 2005 they were</p> <p>15 supervisors.</p> <p>16 Q. Okay.</p> <p>17 A. I don't remember the exact</p> <p>18 date, but it was more around the 2004</p> <p>19 time frame I think we made them</p> <p>20 supervisors.</p> <p>21 Q. All right. In production,</p> <p>22 who reported to Richard Holland?</p> <p>23 A. Melvin Hutchins, the</p>



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<p style="text-align: right;">29</p> <p>1 superintendent, and Larry Hatcher, who 2 was the second shift superintendent. 3 Q. And what was Melvin Hutchins' 4 title? 5 A. Superintendent. 6 Q. Is that -- is that what he is 7 now? 8 A. Yes. 9 Q. Was he something else prior 10 to becoming a superintendent? 11 A. His official title in payroll 12 is production manager. We refer to him 13 as superintendent. 14 Q. Did he get a demotion or a 15 change in title at some time? 16 A. Not that I'm aware of. 17 Q. And who did you say the other 18 man was besides Melvin Hutchins? 19 A. Larry Hatcher has second 20 shift. 21 Q. Is he still there? 22 A. Yes, he is. 23 Q. What does Leigh Allums do now</p>	<p style="text-align: right;">31</p> <p>1 they will come to me -- depending on the 2 position, I may interview, I may not. 3 But before anyone is hired in the 4 administrative ranks, let me clarify 5 that, they will come to me with a 6 recommendation and discuss with me what 7 kind of salary offer they want to make. 8 In the hourly ranks, I don't have that 9 much interaction. 10 Q. Do you know how the hiring is 11 done? 12 MS. SWAIN: Objection. Of 13 what? 14 Q. Of -- of the hourly people? 15 A. They either evaluate temps 16 they have on board that come in through 17 personnel resources and determine if, you 18 know, they are keepers, they are good 19 workers, and then make them an offer when 20 an opening comes. Or sometimes we have 21 job fairs. We are using several 22 different venues now, employment ads, 23 through the employment office, et</p>
<p style="text-align: right;">30</p> <p>1 that you have an HR head? 2 MS. SWAIN: Objection. 3 A. Leigh focuses -- her primary 4 responsibility is benefits, helping 5 employees with, you know, getting their 6 benefits filed, claimed. 7 Q. Is that what she did before? 8 A. That was a portion of her 9 job, yes. 10 Q. What else did she do besides 11 benefits before? 12 MS. SWAIN: Object to the 13 form. 14 Q. Before she got an HR 15 manager -- 16 A. I wasn't -- 17 Q. -- on-site? 18 A. Yeah, I wasn't there at that 19 time, so I'm not sure I could comment 20 completely on it. 21 Q. In your position as the 22 director of operations, do you do hiring? 23 A. Not directly, no. I am --</p>	<p style="text-align: right;">32</p> <p>1 cetera. And they are doing team 2 interviews. 3 Q. Are background checks done on 4 the hourlies? 5 A. Yes. 6 Q. And has that always been the 7 way it is? 8 MS. SWAIN: Objection. 9 A. No. 10 Q. All right. Do you know when 11 the background checks began? 12 A. Not exactly. 13 Q. Were they being done when you 14 came to Alabama? 15 A. I know they've been done 16 since I've been there. I can make a 17 statement to that. 18 Q. Well, did you -- did you 19 direct that they be done when you came 20 there? 21 A. Part of what I was doing when 22 I came there, the new management team was 23 to set -- make sure our procedures were</p>

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<p style="text-align: right;">33</p> <p>1 consistent with other plants. So if it 2 did not exist, we made sure it did 3 exist. But I can't clearly state on that 4 one. 5 Q. Is -- 6 A. I don't believe it was all 7 the time prior to my arrival. 8 Q. Before you came to Alabama, 9 are you saying -- are you saying that 10 background checks were done in other 11 locations in your division? 12 A. I can tell you they were at 13 Princeton. That's the only one I can 14 speak to. 15 Q. When a -- at Flavor House in 16 Alabama, when a hiring is done, do they 17 have to notify somebody in the central -- 18 in -- say in Billerica? 19 MS. SWAIN: Objection. 20 Q. Is that where the home office 21 is? 22 A. It was just a senior 23 management staff.</p>	<p style="text-align: right;">35</p> <p>1 you undertake to -- 2 A. I did not personally, no. I 3 left that up to Glen Warren. 4 Q. Did you ask him to do it? 5 A. Glen -- 6 MS. SWAIN: Objection. 7 A. Glen knew what our objective 8 was, was to make sure we were consistent 9 with other sites. 10 Q. Do you know, is there a 11 policy that Flavor House has in terms of 12 providing references for former 13 employees? 14 A. For former employees? 15 Q. Right. 16 A. I don't understand. Why 17 would you want a reference for former 18 employees? 19 Q. No. I mean, is there -- is 20 there a policy that Flavor House has 21 about whether -- whether personnel at 22 Flavor House can be references for former 23 employees?</p>
<p style="text-align: right;">34</p> <p>1 Q. Well, is there -- is there 2 somebody there that has to approve the 3 hiring in Alabama? 4 A. No, not that I'm aware of. 5 Q. Is there anybody that reviews 6 whether or not the policies were being 7 complied with in Alabama? 8 MS. SWAIN: Objection. 9 A. There's audits of any 10 department, you know, within our 11 corporation. When one was done at Dothan 12 prior to my arrival, I can't clearly 13 state. 14 Q. When you came, did you 15 undertake to see if background checks had 16 been done on the current employees? 17 A. Glen Warren came in at the 18 same time I did and Glen was very 19 competent and I left it up to Glen to 20 assess what gaps may be in that 21 department that we needed to make any 22 changes on. 23 Q. Well, my question is: Did</p>	<p style="text-align: right;">36</p> <p>1 MS. SWAIN: Objection to the 2 form. 3 A. Not that -- I'm not sure 4 there's any stipulation on a reference. 5 Q. Does Flavor House have a 6 policy if -- if -- in terms of if a 7 former employee puts Flavor House as 8 their last employee or -- what 9 information will be given out if -- if a 10 respective new employer calls? 11 MS. SWAIN: Objection. 12 A. It's pretty much they were 13 employed from these dates. 14 Q. When you say pretty much, is 15 there -- is there a restriction or is 16 that just a -- 17 A. We don't -- we don't want to 18 bias one way or the other. We say they 19 were employed from this date to this 20 date. We can confirm their employment. 21 Q. Now, since you have been at 22 Flavor House, have you had any 23 supervising training courses done at</p>

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<p style="text-align: right;">37</p> <p>1 Flavor House?</p> <p>2 A. Yes.</p> <p>3 Q. And -- and who is responsible</p> <p>4 for doing that training?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A. It would come from a variety</p> <p>7 of sources. It could be canned material</p> <p>8 that we buy, a DVD to review. We could</p> <p>9 have people come in from other sites with</p> <p>10 some kind of specialty area they want to</p> <p>11 train on. We actually did some training</p> <p>12 ourselves as department managers on like</p> <p>13 how to determine the grade of nuts or,</p> <p>14 you know, how to read the DME that -- you</p> <p>15 know, direct manufacturing expense.</p> <p>16 Q. Do you -- when you do</p> <p>17 supervisor training, is it -- is it like</p> <p>18 a classroom setting?</p> <p>19 A. Um-hum (positive response).</p> <p>20 Q. You need to say yes or no.</p> <p>21 A. Yes.</p> <p>22 Q. And do you have like an</p> <p>23 agenda or an outline as to what will be</p>	<p style="text-align: right;">39</p> <p>1 Q. And do you maintain -- and</p> <p>2 when I say you, I mean you or the</p> <p>3 company. Does -- is -- are there -- is</p> <p>4 there some place where the agenda or the</p> <p>5 background -- the outline or the books</p> <p>6 and materials were maintained to</p> <p>7 demonstrate what was taught at any given</p> <p>8 session?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A. At one time the supervisors</p> <p>11 were given a three-ring notebook that</p> <p>12 they put some of this in so they could</p> <p>13 use it for reference.</p> <p>14 Q. But, I mean, like in my</p> <p>15 office, because I tend to throw documents</p> <p>16 around, we maintain a pristine copy so</p> <p>17 there's always a way we can refer what</p> <p>18 was done or what we have. Is there</p> <p>19 something like that done?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A. The HR department most likely</p> <p>22 would have some reference of those</p> <p>23 materials.</p>
<p style="text-align: right;">38</p> <p>1 discussed in a --</p> <p>2 MS. SWAIN: I'm going to</p> <p>3 object.</p> <p>4 Q. -- at a supervisor training</p> <p>5 meeting?</p> <p>6 MS. SWAIN: I'm going to</p> <p>7 object. Are you talking about any</p> <p>8 particular meetings?</p> <p>9 MS. ROBERTSON: Well, I'm</p> <p>10 just talking about -- she said they had</p> <p>11 -- I will get down to more specific.</p> <p>12 Q. But I'm just saying whenever</p> <p>13 they do supervisor -- supervisor training</p> <p>14 and call it that, do you have an agenda</p> <p>15 or an outline as to what will be taught</p> <p>16 on that particular session?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A. Usually. There may be</p> <p>19 materials handed out. We've had books</p> <p>20 handed out. Then an instructor may come</p> <p>21 in. Or there may be a two or three-page</p> <p>22 handout that says these are the things we</p> <p>23 hope you will learn.</p>	<p style="text-align: right;">40</p> <p>1 Q. Now, when you have supervisor</p> <p>2 -- supervising -- supervisor training,</p> <p>3 what class or what titles are included in</p> <p>4 that? I mean, are the -- are the lead</p> <p>5 people included or just the supervisors,</p> <p>6 the supervisors and the department heads?</p> <p>7 A. Some --</p> <p>8 MS. SWAIN: Objection. I</p> <p>9 mean, Ann, I mean, I'm not sure that</p> <p>10 there's necessarily -- it's always going</p> <p>11 to be the same.</p> <p>12 MS. ROBERTSON: I -- well --</p> <p>13 MS. SWAIN: And you are</p> <p>14 asking very general questions.</p> <p>15 MS. ROBERTSON: Well, she can</p> <p>16 tell me that. But I don't want you</p> <p>17 testifying. And -- and I'm getting to</p> <p>18 the different things.</p> <p>19 Q. Are you -- are you -- your</p> <p>20 lawyer wants me to know whether or not</p> <p>21 different supervisor training are given</p> <p>22 to different classes of people?</p> <p>23 A. Sometimes team leaders were</p>

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<p style="text-align: right;">41</p> <p>1 included if the topic was appropriate to 2 what they might do. 3 Q. And for instance, have you 4 had supervisor training on equal 5 opportunity issues? 6 A. We do harassment training. 7 Q. And I -- and I don't mean -- 8 I'm not -- this is not a pejorative. But 9 just harassment or are -- are there other 10 discrimination issues included in the 11 harassment training? 12 A. Without having the material 13 here in front of me, I don't want to 14 speak specific. But it would talk about, 15 you know, labor laws and rights and -- 16 Q. And how often is the 17 harassment, or whatever this training, 18 how often is it given? 19 A. It's either annually or every 20 two years. 21 Q. Is there any program where if 22 a person is named as supervisor in the -- 23 in between sessions, are they given</p>	<p style="text-align: right;">43</p> <p>1 A. It's a more complex line. It 2 runs mixed nuts, so there's more moving 3 parts, you might say, that require 4 monitoring. The other lines are not 5 quite as complex. 6 Q. Does the lead person make 7 more money than, say, an operator? 8 A. Yes. 9 Q. Is there -- how much more 10 money does that person make? 11 A. I don't know the specific 12 amount. But it was so much over the 13 operator pay. 14 Q. How is a lead person 15 selected? 16 MS. SWAIN: Objection. 17 A. There is an interview 18 process. They post it and they have to 19 turn in a resume and there is an 20 interview process. 21 Q. How is an acting supervisor 22 selected? 23 MS. SWAIN: Objection.</p>
<p style="text-align: right;">42</p> <p>1 training on their own? 2 A. Depending on the background 3 they might come from, there's usually 4 some type of orientation when you bring 5 somebody -- somebody into a position. 6 Q. Is -- is there a place where 7 that would be recorded as to what kind of 8 orientation training was done? 9 MS. SWAIN: Objection. 10 A. I can't speak to that 11 specifically. 12 Q. Do you still have lead men or 13 lead people at -- at Flavor House? 14 A. There is only one line that 15 has a lead person. So there's one per 16 shift. We have two shifts of 17 production. And we do have one in the 18 warehouse. 19 Q. All right. What line has a 20 lead person? 21 A. Line three. 22 Q. And why does that line have a 23 lead person?</p>	<p style="text-align: right;">44</p> <p>1 A. They are interviewed. 2 Q. Are these interviews -- I 3 mean, is there some recordation or some 4 notes about the interview? 5 MS. SWAIN: Objection. 6 A. I can't speak to that. 7 Q. Are there any -- any 8 requirements about becoming an acting 9 supervisor or that -- in terms of 10 disciplinaries or abilities? 11 MS. SWAIN: Objection. 12 A. We are looking for people to 13 have some background that they can bring 14 into the position, hopefully some prior 15 supervisory experience or some 16 demonstration of leadership or problem- 17 solving skills. 18 19 (Whereupon, Plaintiff's Exhibit No. 2 was 20 marked for identification, and same is 21 attached hereto.) 22 23 Q. Plaintiff's Exhibit No. 2 to</p>

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<p style="text-align: right;">45</p> <p>1 your deposition, will you take a look at 2 that and tell me what it is, please, 3 ma'am?</p> <p>4 A. Appears to be something out 5 of the personnel file of Frank Williams. 6 It looks like his increases over the time 7 he has been employed.</p> <p>8 Q. And it looks like he was -- 9 for some period of time was made a 10 temporary supervisor in October 10th of 11 '05; correct?</p> <p>12 A. Yes. That is correct.</p> <p>13 Q. And then he was -- bid and 14 was made a team leader on November 28th 15 of '05; correct?</p> <p>16 A. Yes. That is correct.</p> <p>17 Q. And then in July of '07 he 18 was made a temporary supervisor; correct?</p> <p>19 A. Yes. That is correct.</p> <p>20 Q. Do you know if -- if before 21 he was made a temporary supervisor any 22 assessment of his disciplinaries or his 23 ability to get along with -- with his</p>	<p style="text-align: right;">47</p> <p>1 (Whereupon, Plaintiff's Exhibit No. 3 was 2 marked for identification, and same is 3 attached hereto.)</p> <p>4</p> <p>5 Q. I'll show you what's been 6 marked as Plaintiff's Exhibit No. 3 and 7 ask you to tell me what this is?</p> <p>8 A. Looks like an employee status 9 change document.</p> <p>10 Q. For Tommy Nance?</p> <p>11 A. That's what it appears to be, 12 yes.</p> <p>13 Q. And it says down there he was 14 involuntarily let go for performance 15 issues. And then it says: See 16 separation agreement. Do you know what 17 that -- what that means?</p> <p>18 A. Separation agreement would 19 just be the terms of his separation, was 20 he given any severance or the date of it, 21 et cetera.</p> <p>22 Q. All right. So the separation 23 agreement is not supposed to outline the</p>
<p style="text-align: right;">46</p> <p>1 subordinates were made?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 A. The temporary supervisor 4 positions refer to gift pack. We run a 5 small line called gift pack only about 6 three months out of the year. And we 7 interview a person. A person is 8 interviewed to take that interim 9 supervisor spot. And so Frank would have 10 been interviewed and chosen.</p> <p>11 Q. Well, that's interesting. 12 But my question was: Is -- is -- before 13 a person is made a temporary supervisor, 14 is any assessment done of their 15 disciplinaries or their ability to get 16 along with subordinates?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A. The supervisors interview 19 these candidates and the supervisors have 20 knowledge of how they have interacted on 21 the line and what their personnel history 22 is. 23</p>	<p style="text-align: right;">48</p> <p>1 performance issues; is that -- is that 2 correct?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A. I don't -- you would have to 5 show me the document, I guess. I don't 6 believe so.</p> <p>7</p> <p>8 (Whereupon, Plaintiff's Exhibit No. 4 was 9 marked for identification, and same is 10 attached hereto.)</p> <p>11</p> <p>12 Q. I'll show you what's been 13 marked as Plaintiff's Exhibit No. 4 to 14 your deposition and ask you to take a 15 look at this and tell me what this is, 16 please, ma'am?</p> <p>17 A. This is a disciplinary step 18 that was issued to Frank Williams.</p> <p>19 Q. And it says it was a 20 violation of plant rule number sixteen; 21 right?</p> <p>22 A. That is correct.</p> <p>23 Q. Fighting, threatening,</p>



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<p style="text-align: right;">49</p> <p>1 intimidating, coercing, interfering with  2 fellow associates, or any other acts of  3 violence on company property. Do you  4 know what this written counseling refers  5 to?  6 A. I believe it is the response  7 to the complaint that Linda filed.  8  9 (Whereupon, Plaintiff's Exhibit No. 5 was  10 marked for identification, and same is  11 attached hereto.)  12  13 Q. Okay. Now I will show you  14 what's been marked as Plaintiff's Exhibit  15 No. 5 to your deposition and ask you to  16 take a look at this, please?  17 A. It's a disciplinary step.  18 Q. For whom?  19 A. Frank Williams.  20 Q. And it's, what, about two  21 months after the one I just handed you,  22 Plaintiff's No. -- was it 4?  23 A. Yes.</p>	<p style="text-align: right;">51</p> <p>1 (Brief recess.)  2  3 (Whereupon, the following portion of  4 testimony was videotaped.)  5  6 THE VIDEOGRAPHER: This  7 deposition is being taken March the 4th,  8 2008. The approximate time is 11:12  9 a.m. The deposition is being taken of  10 Mary Ann Boyer in the case of Linda  11 Thornton versus Flower House --  12 MS. ROBERTSON: Flavor  13 House.  14 MS. SWAIN: Flavor  15 House.  16 THE VIDEOGRAPHER: Oh, Flavor  17 -- I'm sorry. Flavor House Products,  18 Inc. and Franklin D. Williams, Jr. This  19 case is set in the U.S. District Court,  20 Middle District of Alabama, Southern  21 Division. The case number, 1:07-CV-712-  22 WKD (sic).  23 At this time, will counsel present</p>
<p style="text-align: right;">50</p> <p>1 Q. And it says: You must learn  2 to control your temper and direct the  3 employees on the line without displaying  4 actions that could be construed as rude,  5 intimidating, or disrespectful. Now, do  6 you know what this write-up is about?  7 A. I believe this is in response  8 to a complaint by Jonnie Nickerson.  9 Q. Is Jonnie Nickerson a female?  10 A. Yes, she is.  11 Q. And what was her complaint?  12 A. That in dealing with her he  13 used some profanity.  14 Q. Did she also say he wouldn't  15 let her adjust her own machine?  16 A. I don't remember that  17 specifically.  18 MS. SWAIN: When you get to a  19 good stopping point, let's take a break  20 so we can get the Videographer set up,  21 please.  22 MS. ROBERTSON: Sure. That's  23 fine.</p>	<p style="text-align: right;">52</p> <p>1 please state their names and whom they  2 represent?  3 MS. ROBERTSON: Ann  4 Robertson, for the Plaintiff.  5 MS. SWAIN: Jennifer Swain,  6 for Defendant, Flavor House.  7 THE VIDEOGRAPHER: And the --  8 the deponent has already been sworn in on  9 the record. Counsel may proceed.  10  11 (Whereupon, Plaintiff's Exhibit No. 6 was  12 marked for identification, and same is  13 attached hereto.)  14  15 Q. (By Ms. Robertson) You were  16 about to look at Plaintiff's Exhibit No.  17 6, please, ma'am. Can you tell me what  18 that is?  19 A. It looks like a complaint  20 form from Jonnie Nickerson.  21 Q. And will you look at the  22 second page where it says -- at the top  23 of the page?</p>

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<p style="text-align: right;">53</p> <p>1 A. My -- I can't tell</p> <p>2 specifically what this says. But it</p> <p>3 appears that it would be notes Tommy</p> <p>4 Nance made as he did the investigation.</p> <p>5 Q. And remember I asked you if</p> <p>6 she also complained that she was not</p> <p>7 allowed to adjust her machine?</p> <p>8 A. Yes, you asked that question</p> <p>9 in your --</p> <p>10 Q. And is that -- do you</p> <p>11 understand that is what is indicated on</p> <p>12 page two of Plaintiff's Exhibit No. 6?</p> <p>13 A. Yes. There's another</p> <p>14 statement that appears Frank made that he</p> <p>15 just wants her to load the labels. It's</p> <p>16 hard to conjecture what full discussion</p> <p>17 was here. But sometimes if a label</p> <p>18 operator isn't fully trained, they work</p> <p>19 them up slowly to making adjustments.</p> <p>20 But we can only conjecture, can't we,</p> <p>21 based on just these statements?</p> <p>22 Q. Well, and you've heard that</p> <p>23 that was one of my client's complaints,</p>	<p style="text-align: right;">55</p> <p>1 will involve other people as noted is</p> <p>2 appropriate.</p> <p>3 Q. Well, the reason I ask is it</p> <p>4 appears Ms. Nickerson may not be the most</p> <p>5 articulate in -- in her writing. Is that</p> <p>6 a fair statement?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A. My dad was an English</p> <p>9 teacher; I'm not. But -- so I don't want</p> <p>10 to quote on somebody's English.</p> <p>11 Q. Well, I mean, it says:</p> <p>12 Jonnie N. was on the label and Frank W.</p> <p>13 came out on the line and said to me</p> <p>14 overtime. I came back. The fucking</p> <p>15 label --</p> <p>16 A. My guess is the word machine.</p> <p>17 Q. -- machine is fuck up and</p> <p>18 saying is to me. I told him I didn't put</p> <p>19 my hand on the label machine. Now, do</p> <p>20 you know if Mr. Nance or if it's the</p> <p>21 protocol to -- to -- to take a statement</p> <p>22 from someone who perhaps may not be as</p> <p>23 articulate in explaining what their</p>
<p style="text-align: right;">54</p> <p>1 that -- that Frank Williams and others</p> <p>2 would not let her -- would push her out</p> <p>3 of the way when she was trying to make</p> <p>4 adjustments to her machine; correct?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A. Ms. Thornton has made that</p> <p>7 claim.</p> <p>8 Q. Okay. Now, I notice you are</p> <p>9 saying to me that on Plaintiff's Exhibit</p> <p>10 No. 6, the second page appears to be</p> <p>11 notes by Tommy Nance; correct?</p> <p>12 A. I would -- that is what I</p> <p>13 believe they would be.</p> <p>14 Q. Can you tell me how an</p> <p>15 investigation of -- of a -- of a</p> <p>16 complaint like this is made?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 Q. Is there a protocol for it?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A. If someone has a complaint,</p> <p>21 we -- we request them to fill out a form</p> <p>22 so we clearly understand what the</p> <p>23 complaint is, and then the HR manager</p>	<p style="text-align: right;">56</p> <p>1 problem is?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 A. When people have the</p> <p>4 capability to write, we ask them to write</p> <p>5 so there's no question that their words</p> <p>6 were construed. So we always -- you</p> <p>7 know, we try to overlook the absolute</p> <p>8 correct grammar and try to get people to</p> <p>9 write their statements in their own</p> <p>10 handwriting.</p> <p>11 Q. Well, is -- are you</p> <p>12 interested in making sure you get every</p> <p>13 complaint and -- and all the details?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A. I think that's why they have</p> <p>16 a conversation and interview in addition</p> <p>17 to the complaint.</p> <p>18 Q. And tell me what would next</p> <p>19 be done after a complaint like this would</p> <p>20 come forward.</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A. They would try to determine</p> <p>23 if there was witnesses that can</p>

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<p style="text-align: right;">57</p> <p>1 collaborate what the complaint is, 2 substantiate it. They would talk to the 3 person that the complaint was made 4 against. 5 Q. And you say they would talk 6 with them. What do you mean they would 7 talk with them? 8 A. Well, they would try to get 9 them to write a statement, let them know 10 what complaint has been made, try to get 11 their side of the story I guess would be 12 the way to say it. 13 14 (Whereupon, Plaintiff's Exhibit No. 7 was 15 marked for identification, and same is 16 attached hereto.) 17 18 Q. Plaintiff's Exhibit No. 7, 19 what is that, please, ma'am? 20 A. It appears to be the 21 statement from Frank Williams that 22 correlates to the statement that Jonnie 23 made.</p>	<p style="text-align: right;">59</p> <p>1 MS. SWAIN: Objection. 2 A. I can't -- you mean Tommy 3 Nance, Chris Jordan? 4 Q. Well -- 5 A. Whoever? 6 Q. -- it's got investigating 7 supervisor, Chris Jordan? 8 A. They would basically -- I 9 can't say what was told to him at the 10 point he was asked to write his version 11 of the story. But he might have been 12 told that Jonnie complained about their 13 interaction. We try not to give them 14 facts to lead them into anything. So I 15 can't tell you what was told to him at 16 the point he was handed this paper and 17 asked to sit down and write it. 18 Q. But he does not mention 19 having used profanity toward him, does 20 he? 21 A. It does not appear so. 22 Q. Do -- do you see where 23 there's any -- any response to the</p>
<p style="text-align: right;">58</p> <p>1 Q. Well, do you see anywhere in 2 -- in Mr. Williams' statement where he 3 admits to using the F-word and -- and -- 4 to Ms. Nickerson? 5 A. It is not in the written 6 statement. But the discipline tends to 7 support that he probably used language 8 that wasn't appropriate. 9 Q. Right. But -- but Mr. 10 Williams did not admit it in his 11 statement; correct? 12 A. It does not appear in his 13 written statement. 14 Q. Would you consider that his 15 statement was then untruthful? 16 MS. SWAIN: Objection. 17 A. I think he states the facts 18 related to what he did to try to make the 19 adjustments. I can't say that those are 20 untruthful. 21 Q. Well, would -- would he have 22 been told the matter under investigation 23 when Mr. Jordan talked with him?</p>	<p style="text-align: right;">60</p> <p>1 allegation that he won't let her make 2 adjustments? 3 MS. SWAIN: Objection. 4 A. No, I don't see that. But we 5 don't try to give them the facts of the 6 complaint because we don't want to lead 7 them. 8 Q. Well, how can you investigate 9 something without asking them whether or 10 not an allegation is true? 11 MS. SWAIN: Objection. 12 A. I was not there, and I'll 13 repeat that again. But it might have 14 started out with there has been a 15 complaint from Jonnie Nickerson on how 16 you interacted with her on the label 17 machine on this date. It might have been 18 as basic as that to start the opportunity 19 for Frank to explain what happened that 20 day. But without being there, I can't 21 tell you exactly what was said. 22 Q. Well, look on the second page 23 of Plaintiff's Exhibit No. 7. See in the</p>

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<p style="text-align: right;">61</p> <p>1 middle where it says: A lot of the 2 problems I am having with my employees is 3 my supervisor tell me to tell them 4 something to do. I tell them and if they 5 don't like it, they turn around and tell 6 something on me because I told them to do 7 their job. So I get in trouble. Do you 8 take from that that he is saying that 9 Jonnie was lying about what she said? 10 MS. SWAIN: Objection. 11 A. I can't tell what to make out 12 of that basically, to be real honest. I 13 don't want to conjecture something. 14 Q. Well, he -- it certainly 15 doesn't appear that he's taking any blame 16 for what -- what he did, does it? 17 MS. SWAIN: Objection. 18 A. Sounds like he's confused. 19 Q. Now, on Plaintiff's Exhibit 20 No. 5, it says it's a second step, 21 written warning. As a result of this 22 written warning, was Mr. Williams -- 23 well, strike that. Look on the -- on the</p>	<p style="text-align: right;">63</p> <p>1 MS. SWAIN: Thank you. 2 MS. ROBERTSON: You are 3 right. I didn't give -- I didn't hand it 4 over to you. 5 Q. Now, Plaintiff's Exhibit No. 6 4 is a written counseling; is that 7 correct? 8 A. Yes. First step is referred 9 to as that. 10 Q. And that's for fighting, 11 threatening, intimidating or coercing or 12 interfering with fellow associates; 13 right? 14 MS. SWAIN: Objection. 15 A. That is a -- that is a quote 16 of the plant rule. But it doesn't 17 specifically say what part of the plant 18 rule was violated in this specific 19 instance. 20 Q. Okay. Do you know what -- 21 what -- what was the allegation? 22 A. An interaction that was 23 inappropriate between Frank Williams and</p>
<p style="text-align: right;">62</p> <p>1 document that's dated June 16th, please. 2 MS. SWAIN: Are you talking 3 about Exhibit No. 5? 4 A. Which exhibit number is it, 5 Ann? 6 Q. It's -- I think it's 5. 7 A. 4? 8 Q. 4. Yeah, 4. 9 MS. SWAIN: Are you talking 10 about the memorandum? 11 A. No. 4? 12 Q. Plaintiff's Exhibit No. 4, 13 yes. Look at 4. 14 MS. SWAIN: Do you have an 15 extra copy of 4, Ann? I don't have a 16 copy of that one. 17 MS. ROBERTSON: I thought I 18 gave you a copy. That's why they are 19 not -- 20 MS. SWAIN: That's the only 21 one I didn't get a copy of. 22 MS. ROBERTSON: Oh, here you 23 go.</p>	<p style="text-align: right;">64</p> <p>1 Linda out on the line. 2 Q. Well, it doesn't say an 3 interaction that was inappropriate. It 4 says intimidating, coercing, threatening, 5 interfering with fellow associates, or 6 any other act of violence? 7 A. I believe -- 8 MS. SWAIN: Objection. She 9 just testified that's a quote of the 10 plant rule, not of what his conduct was. 11 Q. You can go ahead. 12 A. I believe the one item that 13 was confirmed upon the investigation was 14 that a curse word was used. 15 Q. A curse word? 16 A. I am not going to tell you 17 the exact dialogue. I don't have the 18 file in front of me. I didn't 19 participate in the investigation 20 personally. 21 Q. Okay. Well, did you do any 22 inquiry about the -- the appropriateness 23 of the disciplinary that was handed out</p>

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<p style="text-align: right;">65</p> <p>1 to Frank Williams?</p> <p>2 A. Tommy kept me appraised as he</p> <p>3 went through the investigation.</p> <p>4 Q. Did you do any independent</p> <p>5 assessment of the appropriateness of it?</p> <p>6 A. I --</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A. I went -- had discussions</p> <p>9 with Tommy, and based on the information</p> <p>10 Tommy gave me, I felt the action was</p> <p>11 appropriate.</p> <p>12 Q. All right. Now, as a result</p> <p>13 of Plaintiff's Exhibit No. 4, did Mr.</p> <p>14 Williams lose any money? Was he docked</p> <p>15 any pay?</p> <p>16 A. No, I don't believe so.</p> <p>17 Q. Was he suspended for any</p> <p>18 time?</p> <p>19 A. I don't recollect that.</p> <p>20 Q. Was he demoted?</p> <p>21 A. I do not recollect that.</p> <p>22 Q. And was he terminated?</p> <p>23 A. No.</p>	<p style="text-align: right;">67</p> <p>1 similar act that Mr. Williams committed</p> <p>2 just a little over a month later he was</p> <p>3 given a written warning; correct?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A. That is what this document</p> <p>6 is.</p> <p>7 Q. All right. Did he lose his</p> <p>8 team leader's position because of the</p> <p>9 second written warning?</p> <p>10 A. No.</p> <p>11 Q. Was he docked any pay?</p> <p>12 A. I do not believe so.</p> <p>13 Q. Was he suspended for any</p> <p>14 time?</p> <p>15 A. I do not believe so.</p> <p>16 Q. And was he fired?</p> <p>17 A. No.</p> <p>18 Q. Okay. Now, where is that</p> <p>19 piece of paper with -- showing that he</p> <p>20 was promoted?</p> <p>21 MS. SWAIN: Objection to the</p> <p>22 characterization. She needs the --</p> <p>23 MS. ROBERTSON: Plaintiff's</p>
<p style="text-align: right;">66</p> <p>1 Q. Now, look at Plaintiff's</p> <p>2 Exhibit No. 5. This happened just a</p> <p>3 little over a month later, correct,</p> <p>4 Plaintiff's Exhibit No. 5?</p> <p>5 A. It appears from the dates,</p> <p>6 that is correct.</p> <p>7 MS. SWAIN: I'm going to</p> <p>8 object to the time. The dates are what</p> <p>9 they are.</p> <p>10 MS. ROBERTSON: Okay.</p> <p>11 Q. Well, June the 14th is when</p> <p>12 the first one occurred; correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And July the 22nd is when the</p> <p>15 second one occurred; correct?</p> <p>16 A. 27th, I believe.</p> <p>17 Q. Did I say 2nd? I meant --</p> <p>18 A. Yeah.</p> <p>19 Q. And so it was a month and</p> <p>20 some days; correct?</p> <p>21 A. That is correct on those</p> <p>22 dates.</p> <p>23 Q. And so for apparently a very</p>	<p style="text-align: right;">68</p> <p>1 Exhibit No. --</p> <p>2 MS. SWAIN: 2?</p> <p>3 A. This exhibit (indicating)?</p> <p>4 Q. Yeah.</p> <p>5 A. Exhibit No. 2?</p> <p>6 Q. 2. It looks like that a</p> <p>7 little less than a year later he was made</p> <p>8 temporary supervisor; correct?</p> <p>9 A. That is what this payroll</p> <p>10 document shows.</p> <p>11 Q. So can we conclude from that</p> <p>12 that these write-ups concerning his loss</p> <p>13 of temper and his use of profanity had no</p> <p>14 effect on his ability to become a</p> <p>15 supervisor at Flavor House?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A. Write-ups drop off in an</p> <p>18 employee's file within a year's time if</p> <p>19 there's no repeat incidents or any</p> <p>20 further incidents, number one. Number</p> <p>21 two, Frank had performed that temporary</p> <p>22 supervisor's job in prior years and was</p> <p>23 seen as doing an excellent job in that</p>

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<p style="text-align: right;">69</p> <p>1 position.</p> <p>2 Q. Well, that may be true, but</p> <p>3 -- let me see if I've got this straight.</p> <p>4 Are you saying that if an individual is</p> <p>5 written up for sexual harassment in year</p> <p>6 2006 and he doesn't sexually harass</p> <p>7 anybody again until 2007, you don't look</p> <p>8 at the first sexual harassment violation?</p> <p>9 A. I don't believe --</p> <p>10 MS. SWAIN: Objection.</p> <p>11 That's not what she said.</p> <p>12 A. I don't believe this write-up</p> <p>13 was for sexual harassment, Ann.</p> <p>14 Q. I'm not -- I'm not saying</p> <p>15 that. I'm just saying you said any</p> <p>16 write-up drops off after a year, and I'm</p> <p>17 asking you is that what you are saying?</p> <p>18 A. Depending on --</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A. Depending on the severity of</p> <p>21 an incident, a sexual harassment case</p> <p>22 that was confirmed probably would not be</p> <p>23 a first step write-up. It would go to a</p>	<p style="text-align: right;">71</p> <p>1 supervisor --</p> <p>2 A. I said interim supervisor for</p> <p>3 a couple --</p> <p>4 Q. Interim --</p> <p>5 A. -- for a couple of month.</p> <p>6 Q. I'm sorry. Interim</p> <p>7 supervisor in '06?</p> <p>8 A. Let me look at the document</p> <p>9 again. I know he did at a prior time.</p> <p>10 It looks like he did it in '05 and it</p> <p>11 looks like he did it in '07.</p> <p>12 Q. Right. And so in between '05</p> <p>13 and '07 he got these two write-ups;</p> <p>14 correct?</p> <p>15 A. I believe that's where the</p> <p>16 dates fall. That is correct.</p> <p>17 Q. And do you consider he</p> <p>18 performed in an exemplary fashion when he</p> <p>19 got write-ups 5 and 4?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A. I don't think anybody getting</p> <p>22 disciplined would be considered</p> <p>23 performing exemplary. It obviously</p>
<p style="text-align: right;">70</p> <p>1 more severe action that would be</p> <p>2 appropriate for the situation. You are</p> <p>3 dealing with Frank being confirmed using</p> <p>4 profanity, much different than sexual</p> <p>5 harassment.</p> <p>6 Q. Is there anything that -- do</p> <p>7 you look back -- does Flavor House look</p> <p>8 back to see a person's behavior before</p> <p>9 they put them in a supervisory role? Do</p> <p>10 they -- do they review the file for any</p> <p>11 write-ups or what have you?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A. They do look at how they've</p> <p>14 performed. Anything in their personnel</p> <p>15 file would be part of that. But as I</p> <p>16 stated earlier, Frank had performed in</p> <p>17 considerably a exemplary role when he did</p> <p>18 the gift pack interim supervisor in the</p> <p>19 prior year.</p> <p>20 Q. In that position, does he --</p> <p>21 does he supervise people?</p> <p>22 A. Yes, he does.</p> <p>23 Q. So you say he was a temporary</p>	<p style="text-align: right;">72</p> <p>1 indicated we were not -- he violated a</p> <p>2 plant rule.</p> <p>3 Q. Is physical violence</p> <p>4 something that -- what kind of write-up</p> <p>5 would you expect a person to get for</p> <p>6 committing physical violence?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A. Any type of physical</p> <p>9 confrontation once confirmed in the</p> <p>10 investigation would probably be a</p> <p>11 termination.</p> <p>12 Q. So if it was confirmed that</p> <p>13 someone either threw at or tossed peanuts</p> <p>14 toward Linda Thornton, you would expect</p> <p>15 him to have been fired?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A. I believe in that situation,</p> <p>18 her statements were not confirmed by</p> <p>19 other witnesses.</p> <p>20 Q. Okay. So do you know if he</p> <p>21 was suspended?</p> <p>22 MS. SWAIN: Objection.</p> <p>23 Q. The individual --</p>

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<p style="text-align: right;">73</p> <p>1 MS. SWAIN: Which time are</p> <p>2 you talking about?</p> <p>3 Q. The individual, when she</p> <p>4 alleged that he threw peanuts at her?</p> <p>5 A. This is the incident on June</p> <p>6 14th?</p> <p>7 Q. About the peanuts?</p> <p>8 A. I don't know.</p> <p>9 Q. I'm talking about the other</p> <p>10 gentleman she said threw the peanuts at</p> <p>11 her?</p> <p>12 A. I don't know which situation</p> <p>13 you are talking about there, Ann.</p> <p>14</p> <p>15 (Whereupon, Plaintiff's Exhibit No. 8 was</p> <p>16 marked for identification, and same is</p> <p>17 attached hereto.)</p> <p>18</p> <p>19 Q. I'll show you what's been</p> <p>20 marked as Plaintiff's Exhibit No. 8 and</p> <p>21 ask you to take a look at this.</p> <p>22 MS. SWAIN: Mary, why don't</p> <p>23 you hand me those other exhibits just to</p>	<p style="text-align: right;">75</p> <p>1 Q. Take a look at Plaintiff's</p> <p>2 Exhibit No. 9 for me, please? What is</p> <p>3 that, please?</p> <p>4 A. This is a form that was</p> <p>5 filled out by Tamekia Cooke as, I'm sure,</p> <p>6 part of the investigation.</p> <p>7 Q. Well, it says that the</p> <p>8 investigating supervisor was Chris. Who</p> <p>9 is Chris?</p> <p>10 A. Chris Jordan is the</p> <p>11 supervisor over the line and he would</p> <p>12 assist Tommy Nance in the investigation.</p> <p>13 But as you saw on some of the other</p> <p>14 forms, Ann, you can see the HR person and</p> <p>15 the supervisor's name both at the top.</p> <p>16 Q. Do you know what order this</p> <p>17 is done to -- in -- in -- in usual</p> <p>18 circumstances? Is the -- the person</p> <p>19 against whom the complaint is -- is made,</p> <p>20 is he called in first or how does that</p> <p>21 work?</p> <p>22 A. I can't speak specifically to</p> <p>23 that, Ann. It may be based -- sometimes</p>
<p style="text-align: right;">74</p> <p>1 get them out of your way? Can --</p> <p>2 THE WITNESS: If I have to</p> <p>3 refer back to them.</p> <p>4 MS. SWAIN: Can I get a copy</p> <p>5 of that one? I'll pass them to you.</p> <p>6 MS. ROBERTSON: Oh, sure.</p> <p>7 MS. SWAIN: Thank you.</p> <p>8 Q. Now, do you know what</p> <p>9 Plaintiff's Exhibit No. 8 is?</p> <p>10 A. It is the complaint form that</p> <p>11 Linda filed.</p> <p>12 Q. Okay. And -- and do you know</p> <p>13 what happened after she filed it?</p> <p>14 A. Tommy Nance conducted an</p> <p>15 investigation.</p> <p>16 Q. How do you know it was Tommy</p> <p>17 Nance?</p> <p>18 A. Tommy Nance was HR at that</p> <p>19 time.</p> <p>20</p> <p>21 (Whereupon, Plaintiff's Exhibit No. 9 was</p> <p>22 marked for identification, and same is</p> <p>23 attached hereto.)</p>	<p style="text-align: right;">76</p> <p>1 it may be based on the availability.</p> <p>2 Q. The availability --</p> <p>3 A. Sometimes it's based on</p> <p>4 availability to get -- to get to the</p> <p>5 people they feel are critical to complete</p> <p>6 the investigation.</p> <p>7 Q. Well, like Tamekia Cooke, is</p> <p>8 she -- can you tell if that's her</p> <p>9 handwriting or not?</p> <p>10 A. No, I really can't.</p> <p>11 Q. Do you know if -- if Tamekia</p> <p>12 Cooke was told what the allegations were</p> <p>13 and asked what she saw and heard or was</p> <p>14 -- how -- how would that have been</p> <p>15 conducted?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A. Like I told you earlier, Ann,</p> <p>18 without being there, I don't know how</p> <p>19 they brought forward the person or what</p> <p>20 they said to them when they requested</p> <p>21 them to fill out a form.</p> <p>22 Q. Because Ms. Thornton said</p> <p>23 that Mr. Williams was throwing cans, a</p>

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<p style="text-align: right;">77</p> <p>1 large bag of cans. Do you know if anyone 2 asked Tamekia Cooke if she saw him throw 3 the cans? 4 MS. SWAIN: Objection. 5 A. I can't speak specifically to 6 that. I wasn't involved in the 7 investigation, Ann. 8 Q. Would you be concerned if she 9 wasn't asked about that? 10 A. She would have been asked 11 about it, I feel fairly confident, but I 12 can't state specifically. 13 Q. Well, I thought you told me a 14 few minutes ago that what would happen is 15 they would just be asked to write what 16 they knew about the situation and nothing 17 would be given away about the 18 allegations? 19 MS. SWAIN: Objection. 20 A. But then they would be asked 21 questions about specific details. 22 Q. Oh. 23 A. You initially might want them</p>	<p style="text-align: right;">79</p> <p>1 fact, not know who hired him? 2 A. The company hired him. Which 3 person -- 4 Q. Well -- 5 A. -- specifically, no, I don't 6 know. 7 MS. SWAIN: And I think, 8 Ann, we qualified in our objections that 9 we would produce somebody who could 10 testify generally about his employment 11 and about the information that's in his 12 personnel file. 13 MS. ROBERTSON: Okay. Well, 14 this is in his personnel file and I 15 just -- 16 MS. SWAIN: But it doesn't -- 17 that doesn't reflect the information you 18 are asking for. 19 Q. Do you -- it says -- it says: 20 Have you ever been convicted of a 21 felony? Do you see that? 22 A. Yes. 23 Q. And it says: Yes. And it</p>
<p style="text-align: right;">78</p> <p>1 just to write their statement. But 2 without being there, Ann, I'm not going 3 to conjecture. 4 5 (Whereupon, Plaintiff's Exhibit No. 10 6 was marked for identification, and same 7 is attached hereto.) 8 9 Q. I'll show you what's been 10 marked as Plaintiff's Exhibit No. 10 to 11 your deposition. Can you tell me what 12 that is, please, ma'am? 13 A. This appears to be the 14 employment application of Frank Williams. 15 Q. Do you know -- at the time do 16 you -- do you -- do you know now or have 17 you learned who hired Mr. Williams? 18 A. No, I don't know 19 specifically. It was before my time. 20 Q. Because I think on the -- the 21 30(b)(6) you are the person who is 22 supposed to say all facts surrounding the 23 employment of Frank Williams. Do you, in</p>	<p style="text-align: right;">80</p> <p>1 says: Statutory rape. My girlfriend was 2 two years younger than me when I was 3 eighteen. 4 A. Yes, that's what it states 5 here. 6 Q. And is that supposed to be an 7 explanation of the felony that he was 8 convicted of? 9 MS. SWAIN: Objection. 10 A. It appears. But I can't be 11 for sure. Perhaps he was trying to 12 explain the circumstances. 13 14 (Whereupon, Plaintiff's Exhibit No. 11 15 was marked for identification, and same 16 is attached hereto.) 17 18 Q. Take a look at Plaintiff's 19 Exhibit No. 11, please? 20 MS. SWAIN: Ann, I'm -- I'm 21 going to object to Exhibit No. 11. 22 Richard Crum has filed a motion for 23 protective order --</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">81</p> <p>1 MS. ROBERTSON: Yes.</p> <p>2 MS. SWAIN: -- regarding this</p> <p>3 information and that it be kept out of</p> <p>4 the case and not be discoverable.</p> <p>5 MS. ROBERTSON: Well, are you</p> <p>6 going to direct her not to answer?</p> <p>7 Because --</p> <p>8 MS. SWAIN: I --</p> <p>9 MS. ROBERTSON: -- this is</p> <p>10 one of the many reasons that I can have</p> <p>11 this. I can impeach him. And since he</p> <p>12 lied on his application, I can impeach</p> <p>13 him with his criminal convictions. And</p> <p>14 so if you would direct her not to answer,</p> <p>15 then that's fine.</p> <p>16 MS. SWAIN: Okay. I haven't</p> <p>17 directed her not to answer your question</p> <p>18 because I'm going to wait and see what</p> <p>19 your questions are.</p> <p>20 MS. ROBERTSON: Okay.</p> <p>21 MS. SWAIN: I'm just</p> <p>22 objecting now to --</p> <p>23 MS. ROBERTSON: Okay. I</p>	<p style="text-align: right;">83</p> <p>1 and his address; correct?</p> <p>2 A. It says -- it says his name,</p> <p>3 yes.</p> <p>4 Q. All right.</p> <p>5 A. But I'm not sure where the</p> <p>6 source of the document because I can't</p> <p>7 read it clearly.</p> <p>8 Q. Which -- which word can't you</p> <p>9 read? Oh, okay.</p> <p>10 A. I see safety.</p> <p>11 Q. Public safety. All right.</p> <p>12 I'll -- I'll get a better copy. I'm</p> <p>13 sorry.</p> <p>14 A. Okay.</p> <p>15 Q. But it's the Department of --</p> <p>16 A. I don't know if the seal is</p> <p>17 the same as what's there.</p> <p>18 Q. Oh, see where -- see the</p> <p>19 seal, it says Public Safety?</p> <p>20 A. Yeah.</p> <p>21 Q. All right. But down there --</p> <p>22 and you see it says Franklin Delnor</p> <p>23 Williams, Jr.; right?</p>
<p style="text-align: right;">82</p> <p>1 mean --</p> <p>2 MS. SWAIN: -- the inclusion</p> <p>3 of this exhibit.</p> <p>4 MS. ROBERTSON: In -- in my</p> <p>5 view, his -- his -- his -- it's perhaps</p> <p>6 the most ridiculous motion I've ever</p> <p>7 seen, because this is discovery. Whether</p> <p>8 or not it's ultimately admissible is a</p> <p>9 whole other thing. But in this case, I</p> <p>10 think it would probably be admissible.</p> <p>11 Q. All right. Would you look --</p> <p>12 does -- would you look at this</p> <p>13 Plaintiff's Exhibit No. 11. Does that --</p> <p>14 can you check out -- this appears to be a</p> <p>15 document that's posted on the web by the</p> <p>16 Public Safety Commission as required by</p> <p>17 life -- law for sex offenders?</p> <p>18 A. Yeah. But because of how</p> <p>19 blacked out that is, Ann, I'm not sure</p> <p>20 what the document is.</p> <p>21 Q. Well --</p> <p>22 A. The copy is not clear.</p> <p>23 Q. It certainly says his name</p>	<p style="text-align: right;">84</p> <p>1 A. That is --</p> <p>2 MS. SWAIN: Ann, let me ask</p> <p>3 you, because Mr. Williams has objected to</p> <p>4 this information, and if we allow Mary</p> <p>5 Ann Boyer to respond to questions</p> <p>6 regarding this document --</p> <p>7 MS. ROBERTSON: Um-hum</p> <p>8 (positive response).</p> <p>9 MS. SWAIN: -- to which we</p> <p>10 have objected --</p> <p>11 MS. ROBERTSON: No. No.</p> <p>12 No. You haven't -- this is off the web.</p> <p>13 This is not anything he objected to. He</p> <p>14 objected to -- he called himself</p> <p>15 objecting to the subpoenas I have. He</p> <p>16 didn't move -- he didn't move to quash</p> <p>17 them. He also didn't even direct his --</p> <p>18 his argument toward the Circuit Court</p> <p>19 subpoena I sent out.</p> <p>20 MS. SWAIN: All right. Let</p> <p>21 me finish. Allowing Ms. Boyer to answer</p> <p>22 questions regarding this information, I</p> <p>23 do not want it to be construed in any way</p>

21 (Pages 81 to 84)



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<p style="text-align: right;">85</p> <p>1 as any kind of waiver of the rights of 2 either Flavor House or Mr. Williams to 3 keep out the information regarding the 4 details of Mr. Williams' criminal 5 history. 6 MS. ROBERTSON: Okay. 7 Q. Look down there where it says 8 sex crimes. 9 A. All right. 10 Q. And it says: Rape in the 11 second, three counts, sodomy in the 12 first, two counts. And the crime 13 location was in Barbour County. It says: 14 Williams engaged in sexual intercourse 15 with a thirteen, fourteen and sixteen- 16 year-old; correct? 17 A. That is what it states. 18 Q. Now, on his application, he 19 said he had sex with his girlfriend who 20 was two years younger when he was 21 eighteen, is that what it says? 22 A. That is correct. 23 Q. That does not appear to be</p>	<p style="text-align: right;">87</p> <p>1 A. Yes, I do know that. 2 Q. Do you -- did anybody bother 3 to check his application at the time to 4 see what he had marked? 5 MS. SWAIN: Objection to the 6 characterization. 7 A. I believe Tommy Nance looked 8 at his application. 9 Q. Do -- do you know if he did a 10 background check then? 11 A. No, I do not believe so. 12 Q. Why not? 13 MS. SWAIN: Objection. 14 A. He had been a good employee. 15 Other than some profanity, there had been 16 no indications that there was any problem 17 with Frank in this area. Background 18 checks were not done at the point he was 19 hired. To our recollection, therefore, 20 we didn't see the need to proceed. 21 Q. To proceed with what, with 22 his background check? 23 A. It was -- it -- what would it</p>
<p style="text-align: right;">86</p> <p>1 true, does it? 2 MS. SWAIN: Objection. 3 A. There is not a match between 4 those pieces of information, that is 5 correct. 6 Q. So he -- so he apparently 7 lied on his application; correct? 8 MS. SWAIN: Objection. 9 A. I think one person was his 10 girlfriend. I think he didn't go into 11 the detail of the others. I think that 12 is correct. 13 Q. Do you know why a background 14 check was not conducted on Mr. Williams 15 when he provided information that he had 16 been convicted of a felony involving rape 17 of an underaged child? 18 MS. SWAIN: Objection. 19 A. That was prior to my time, 20 Ann, so I can't speak to that period. 21 Q. Well, you know the issue of 22 his being a sex offender was raised 23 sometime when you were there, don't you?</p>	<p style="text-align: right;">88</p> <p>1 have been? He was already hired. He had 2 a good record. There was no indications 3 that any behavior related to this 4 statement on his application had ever 5 appeared in the workplace. 6 Q. The fact that he didn't tell 7 the truth was not significant to anybody? 8 MS. SWAIN: Objection. 9 A. We didn't know he had not 10 told the truth, Ann. 11 Q. And you didn't try to find 12 out, did you? 13 MS. SWAIN: Objection. 14 A. (No response.) 15 16 (Whereupon, Plaintiff's Exhibit No. 12 17 was marked for identification, and same 18 is attached hereto.) 19 20 Q. I'll show you what's been 21 marked as Plaintiff's Exhibit No. 12. 22 Can you tell me what that is, please? 23 A. This is a documentation form</p>



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<p style="text-align: right;">89</p> <p>1 related to the incident there in June.  2 It looks like it was completed by  3 Catherine Long.  4 Q. Have you looked at -- okay.  5 And what -- do you know why Catherine  6 Long was interviewed?  7 A. I believe she worked on the  8 line that day, so she would have been in  9 the area.  10 Q. Did -- did you ever see  11 Frank's statement about the incident that  12 occurred?  13 A. You just --  14 Q. With -- involving Ms.  15 Thornton?  16 A. You just showed it to me, and  17 I do believe at the time Tommy brought me  18 all the documents when he talked to me  19 about his recommendation and discipline.  20 Q. Do you recall whether or not  21 Frank admitted to having yelled and used  22 profanity and -- and threw -- thrown  23 cans?</p>	<p style="text-align: right;">91</p> <p>1 A. If it's one --  2 MS. SWAIN: Objection.  3 A. -- person against another,  4 it's a he said/she said. That's not  5 confirmation. Confirmation in my mind is  6 someone validates another person's  7 statement. We did not have any  8 confirmation, despite the fact there were  9 several people in the area that were  10 witnesses, eyewitnesses to the  11 situation. They did not confirm that,  12 Ann.  13 Q. Well, there's no indication  14 that they were ever asked about it, is  15 there?  16 MS. SWAIN: Objection.  17 A. They would have been asked  18 about it, Ann.  19 Q. Do you see anywhere on Ms.  20 Long's statement where she said, I did  21 not see any cans being thrown?  22 A. The investigation is not just  23 the written statements. It's interviews</p>
<p style="text-align: right;">90</p> <p>1 MS. SWAIN: Objection to the  2 form.  3 A. I can't --  4 Q. Or thrown a bag of cans.  5 Excuse me.  6 A. Yeah, I can -- I can tell you  7 that there was no confirmation of any  8 physical, such as the bag of cans or  9 throwing pallets. There was confirmation  10 of the cursing.  11 Q. I didn't ask you that. I  12 asked did he confirm any of it? Did he  13 admit to any of it?  14 A. I cannot -- I can tell you  15 what Tommy Nance related to me.  16 Q. And what was that?  17 A. Not what Frank -- that he  18 could not confirm any of the throwing of  19 the pallets or the throwing the cans. He  20 could confirm that there were curse words  21 used and that Frank lost his temper.  22 Q. Well, he had confirmation  23 from Linda, didn't he?</p>	<p style="text-align: right;">92</p> <p>1 and discussion.  2 Q. Well, then I assume there  3 would be notes concerning the interviews  4 and discussions. Where would I find  5 those, please, ma'am?  6 MS. SWAIN: Objection.  7 There's no testimony about any notes.  8 A. I would say that Tommy Nance  9 and Chris Jordan were probably present on  10 both -- all the investigation comments  11 and they would be your best source to  12 validate what actual discussion that is  13 not documented occurred.  14 Q. So is it not -- in a protocol  15 for doing an investigation, do you not  16 document the -- the oral -- the oral  17 statements also to make sure you have got  18 all the information?  19 MS. SWAIN: Objection.  20 A. They do at times. I cannot  21 specifically state exactly what was done  22 at this time since I didn't do it. I  23 didn't do the investigation, Ann, so.</p>

23 (Pages 89 to 92)

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<p>93</p> <p>1 MS. ROBERTSON: I've got to 2 take a break for just a minute. Well, 3 it's time to take lunch. Let's go -- 4 MS. SWAIN: You want to do 5 lunch? 6 MS. ROBERTSON: Yeah. 7 Because my -- 8 THE VIDEOGRAPHER: Going off 9 the record. The time is 11:50 a.m. This 10 is the end of tape one. 11 12 (Lunch recess.) 13 14 (Whereupon, the deposition was in recess 15 and shall be continued at a date and 16 time mutually agreed upon by all 17 parties.) 18 19 END OF PROCEEDINGS. 20 21 22 23</p>	
<p>94</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA 4 JEFFERSON COUNTY 5 6 I hereby certify that the above and 7 foregoing deposition was taken down by me 8 in stenotype and the questions and 9 answers thereto were transcribed by means 10 of computer-aided transcription, and that 11 the foregoing represents a true and 12 correct transcript of the testimony given 13 by said witness upon said hearing. 14 I further certify that I am 15 neither of counsel, nor of kin to the 16 parties to the action, nor am I in 17 anyway interested in the result of said 18 cause. 19 20 21 SHANNON L. CARROLL, CCR, RPR 22 Certification Number: 23 AL-CCR-484</p>	

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<b>thereto</b> 3:9 94:9	66:8 67:14	<b>transcription</b>	68:13	<b>wants</b> 40:20
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38:22 40:18	87:3 89:17	<b>true</b> 18:4 60:10	42:3	<b>warehousing</b>
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			12:22 13:1	

367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

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58:8 77:6,9 <b>way</b> 9:22 32:7 36:18 39:17 54:3 57:12 74:1 84:23 <b>ways</b> 9:16 <b>web</b> 82:15 84:12 <b>went</b> 13:18 18:8 19:5,9 65:3,8 <b>We've</b> 38:19 <b>wider</b> 26:21 <b>Wiggins</b> 1:20 2:20 5:8 7:7 <b>Wiley</b> 27:23 <b>Williams</b> 1:13 45:5 48:18 49:19 51:18 54:1 57:21 58:2,10 61:22 63:23 65:1,14 67:1 76:23 78:14,17,23 83:23 84:3 85:2,4,14 86:14 <b>witness</b> 7:12 74:2 94:13 <b>witnesses</b> 56:23 72:19 91:10 <b>WKD</b> 51:22 <b>woman</b> 25:15,16 <b>word</b> 11:19 55:16 64:14,15 83:8 <b>words</b> 9:11 56:5 90:20 <b>work</b> 53:18 75:21 <b>worked</b> 89:7 <b>workers</b> 31:19 <b>workplace</b> 88:5 <b>worlds</b> 18:6 <b>wouldn't</b> 50:14 <b>write</b> 56:4,4,9	57:9 59:10,17 77:15 78:1 <b>write-up</b> 50:6 69:12,16,23 72:4 <b>write-ups</b> 68:12 68:17 70:11 71:13,19 <b>writing</b> 55:5 <b>written</b> 49:4 58:5,13 61:21 61:22 63:6 67:3,9 69:5 91:23 <hr/> <b>X</b> <b>X</b> 4:1 <hr/> <b>Y</b> <b>Yeah</b> 9:17 23:8 28:7 30:18 62:8 66:18 68:4 82:18 83:20 90:6 93:6 <b>year</b> 14:6 18:20 21:20 27:14 46:6 68:7 69:5 69:16 70:19 <b>years</b> 10:6,12,13 10:21 11:6 14:8 41:20 68:22 80:2 85:20 <b>year's</b> 68:18 <b>year-old</b> 85:16 <b>yelled</b> 89:21 <b>younger</b> 80:2 85:20 <hr/> <b>0</b> <b>05</b> 45:11,15 71:10,12 <b>06</b> 18:16 71:7 <b>07</b> 45:17 71:11	71:13 <hr/> <b>1</b> <b>1</b> 4:9 8:11,17,22 <b>1st</b> 18:16 <b>1:07-CV-712</b> 51:21 <b>1:07-CV-712-...</b> 1:5 <b>10</b> 4:18 78:5,10 <b>10th</b> 45:10 <b>10:00</b> 1:19 7:11 <b>11</b> 4:19 80:14,19 80:21 82:13 <b>11:12</b> 51:8 <b>11:50</b> 93:9 <b>12</b> 4:20 88:16,21 <b>14th</b> 66:11 73:6 <b>15</b> 2:3 <b>16th</b> 62:1 <b>1600</b> 5:19 <b>19th</b> 1:22 2:22 5:11 7:8 <b>1988</b> 2:3 <hr/> <b>2</b> <b>2</b> 4:10 44:19,23 68:2,5,6 <b>2nd</b> 66:17 <b>20th</b> 5:20 <b>2001</b> 14:8 15:5 <b>2004</b> 25:1 28:18 <b>2005</b> 27:21 28:10,14 <b>2006</b> 69:6 <b>2007</b> 69:7 <b>2008</b> 1:18 2:7,23 7:10 51:8 <b>22nd</b> 66:14 <b>27th</b> 66:16 <b>28th</b> 45:14 <hr/> <b>3</b> <b>3</b> 4:11 47:1,6 <b>30</b> 7:3	<b>30(b)(6)</b> 8:19 9:1 78:21 <b>301</b> 1:22 2:21 5:11 7:8 <b>3203</b> 10:10 <b>35203</b> 1:23 2:23 5:12,21 7:9 <hr/> <b>4</b> <b>4</b> 1:18 4:12 48:8 48:13 49:22 62:7,8,8,11,12 62:13,15 63:6 65:13 71:19 <b>4th</b> 2:7,23 7:10 51:7 <b>420</b> 5:20 <b>44</b> 4:10 <b>47</b> 4:11 <b>48</b> 4:12 <b>49</b> 4:13 <hr/> <b>5</b> <b>5</b> 4:13 18:15 49:9,15 61:20 62:3,6 66:2,4 71:19 <b>5(d)</b> 2:1 <b>52</b> 4:14 <b>57</b> 4:15 <hr/> <b>6</b> <b>6</b> 4:14 52:11,17 53:12 54:10 <hr/> <b>7</b> <b>7</b> 4:15 57:14,18 60:23 <b>73</b> 4:16 <b>74</b> 4:17 <b>78</b> 4:18 <hr/> <b>8</b> <b>8</b> 4:9,16 73:15 73:20 74:9	<b>80</b> 4:19 <b>88</b> 4:20 <hr/> <b>9</b> <b>9</b> 4:4,17 10:10 74:21 75:2 <b>93</b> 4:4
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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LINDA THORNTON,

Plaintiff,

v.

FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,

Defendants.

Civil Action No.:

1:07 cv-712-WKW

FED R. CIV. P. 30 (b)(6) DEPOSITION RE-NOTICE OF  
FLAVOR HOUSE PRODUCTS, INC.

PLEASE TAKE NOTICE that the plaintiff, Linda Thornton, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, will take the deposition of the designated corporate representative or representatives of Flavor House Products, Inc., on Monday, March 10, 2008, at a mutually agreeable location in Nashville, Tennessee, and continuing day-to-day until completed, before a reporter authorized to administer oaths, at the law offices of Wiggins, Childs, Quinn & Pantazis, L.L.C., located in The Kress Building, 301 19th Street North; Birmingham, Alabama 35203. Plaintiff will examine the designee(s) on the following matters:

- MA B 1.
- All facts surrounding the employment of Linda Thornton. The designee(s) should know all facts surrounding plaintiff's employment, including but not limited to, the duties assigned to plaintiff during her employment; the position(s) held by plaintiff during her employment; any promotions she may have applied for and/or received; the quality of plaintiff's job performance; any training she received, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation; all complaints and/or grievances made by the plaintiff to the defendant; all discipline she received; compensation and any

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Boyer



benefits and/or bonuses she received; payment of her wages; and the facts and circumstances surrounding any discipline received by the plaintiff; and the facts and circumstances surrounding the cessation of her employment with the defendant.

MAB (2.) All facts surrounding the employment of Kim Perkins. The designee(s) should know all facts surrounding Perkins' employment, including but not limited to, the duties assigned to her during her employment; the position(s) held by her during her employment; any promotions she may have applied for and/or received; the quality of her job performance; any training she received, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation; all complaints and/or grievances made by her to the defendant; all discipline she received; compensation and any benefits and/or bonuses she received; payment of her wages; and the facts and circumstances surrounding any discipline received by her; and the facts and circumstances surrounding the cessation of her employment with the defendant.

MAB (3.) All facts surrounding the employment of Franklin D. Williams, Jr. The designee(s) should know all facts surrounding his employment; the duties assigned him during his employment; the position(s) held by him during his employment; his disciplinary history; his supervisory status and/or authority with the defendant; any benefits, bonuses, and/or promotions he received; payment of his wages; any complaints and/or grievances made against him of sexual harassment, sex discrimination and/or retaliation and the investigation of such complaints; any complaints and/or grievances made against him of workplace violence and the investigation of such complaints; any complaints and/or grievances made against him regarding the use of profanity and/or inappropriate language and the investigation of such complaints; and any training he received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

MAH (4) All facts surrounding the employment of Melvin Hutchins. The designee(s) should know all facts surrounding his employment; the duties assigned him during his employment; the position(s) held by him during his employment; his supervisory status and/or authority with the defendant; his disciplinary history; any benefits, bonuses, and/or promotions he received; payment of his wages; his involvement in investigation of sexual harassment, sex discrimination and/or retaliation complaints made by employees of the defendant; and any training he received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

MAH (5) All facts surrounding the employment of Chris Jordan. The designee(s) should know all facts surrounding his employment; the duties assigned him during his employment; the position(s) held by him during his employment; his supervisory status and/or authority with the defendant; his disciplinary history; any benefits, bonuses, and/or promotions he received; payment of his wages; his involvement in investigation of sexual harassment, sex discrimination and/or retaliation complaints made by employees of the defendant; and any training he received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

6. All facts surrounding the employment of Mary Ann Boyer. The designee(s) should know all facts surrounding her employment; the duties assigned her during her employment; her supervisory status and/or authority with the defendant; the position(s) held by her during her employment; her disciplinary history; any benefits, bonuses, and/or promotions she received; payment of her wages; her involvement in investigation of sexual harassment, sex discrimination and/or retaliation complaints made by employees of the defendant; and any training she received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

MAB 7. All facts surrounding the employment of Ricky Smothers. The designee(s) should know all facts surrounding his employment; the duties assigned him during his employment; the position(s) held by him during his employment; his supervisory status and/or authority with the defendant; his disciplinary history; any benefits, bonuses, and/or promotions he received; payment of his wages; his involvement in investigation of sexual harassment, sex discrimination and/or retaliation complaints made by employees of the defendant; and any training he received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

MAB 8. All facts surrounding the employment of Leigh Allums. The designee(s) should know all facts surrounding her employment; the duties assigned her during her employment; her supervisory status and/or authority with the defendant; the position(s) held by her during her employment; her disciplinary history; any benefits, bonuses, and/or promotions she received; payment of her wages; her involvement in investigation of sexual harassment, sex discrimination and/or retaliation complaints made by employees of the defendant; and any training she received from the defendant, including but not limited to training regarding sexual harassment, sexual discrimination and retaliation.

MAB 9. The policies, procedures, criteria, standards, rules, or regulations utilized by the defendant for the following matters: promotions; evaluations; job assignments; transfers; job training; discipline; termination; criminal background checks; sexual harassment; sex discrimination; retaliation; workplace violence and/or threats; profanity in the workplace; employee complaints and/or grievances; the defendant's grievance procedures; and training/orientation of employees and/or supervisors.

MAB 10. The nature, history and status of all charges and/or complaints (whether oral or written), investigations and/or audits of sexual harassment, sexual discrimination or retaliation made within

the defendant involving Franklin D. Williams, Jr., and/or the decision makers applicable in this case, including the following: (a) who made the charge and/or complaint; (b) who conducted the investigation(s) or audit(s); (c) the facts or contentions involved in the charges and/or complaints, investigations or audit; (d) the disposition or status of the charges and/or complaints, investigation or audit; and, (e) the remedies, if any, provided or agreed upon to dispose of the charge and/or complaints, investigation(s) or audit(s), etc.

MAAB (11.) The "investigation" held by the defendant regarding the internal complaints and subsequent EEOC charge of the plaintiff regarding complaints of sexual harassment, sex discrimination and retaliation. Designee(s) should know who designed the "investigation", who conducted the "investigation", documents produced as a result of the investigation, documents compiled during the investigation, who was questioned, statements provided and all other particulars which led to the conclusion of the "investigation."

MAAB (12.) Information regarding the plaintiff's allegations of sexual harassment, discrimination, and retaliation as outlined in the Complaint.

MAAB (13.) The identity and last known whereabouts of all persons employed by the defendant who made decisions regarding the plaintiff's employment, including but not limited to compensation, promotions, training, performance appraisals, reporting responsibilities, transfer, discipline; work assignments; training; and termination.

MAAB (14.) The contents and dates of all decisions regarding the plaintiff's compensation, promotions, training, performance appraisals, reporting responsibilities, transfer, discipline; work assignments; training; and termination.

15. The organizational and operational structure of the defendant throughout the relevant time period, including but not limited to: the chain of command and division of responsibilities of all lead persons,

supervisors, managers, officers and executives; the division of responsibilities for EEO compliance; and the identity and last known whereabouts of management and executive personnel who worked directly with the plaintiff.

- MAB
16. Information regarding the recent net worth, revenues and profitability of the defendant.
  17. The number of employees who work for the defendant.
  18. Any other matters within the personal knowledge of the witness.

#### DOCUMENT REQUEST

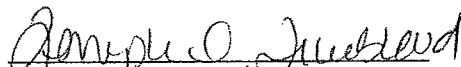
YOU ARE HEREBY FURTHER NOTIFIED, pursuant to Rule 30(b)(5), Federal Rules of Civil Procedures, that said designated deponent(s) shall bring to the deposition the following documents which plaintiff requests shall be available for plaintiff to examine and copy:

1. Any and all notes or other writings or recordings said deponent(s) may have made in connection with or in any way related to the claims asserted in this action;
2. All documents which said deponent(s) have utilized to prepare for testimony or to refresh said deponent(s) recollection as to any of the subjects set forth herein; and
3. All documents not yet produced by defendant which are responsive to Plaintiff's First Request for Production of Documents.

The term "document" as used herein and the full extent of its meaning as provided in Rule 34, Federal Rules of Civil Procedure, including but not limited to any written, drawn, recorded, transcribed, filed, computer-stored, or graphic matter of any sort whatsoever, however produced or reproduced, and further includes any drafts, revisions, additions, attachments, exhibits, or amendments.



Respectfully submitted,



Temple D. Trueblood  
Counsel for Plaintiff

**OF COUNSEL:**

Wiggins, Childs, Quinn & Pantazis, L.L.C.  
The Kress Building  
301 19<sup>th</sup> Street North  
Birmingham, Alabama 35203  
(205) 314-0500

**CO-COUNSEL:**

Bobbie S. Crook  
367 South St. Andrews Street  
Dothan, Al 36301  
(334) 671-8062

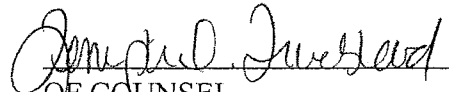
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on counsel by mailing same, via first class U.S. mail, to the following:

Jennifer F. Swain  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
1600 Wachovia Tower  
420 North Twentieth Street  
Birmingham, Alabama 35203

Steadman S. Shealy, Jr.  
Richard E. Crum  
M. Russ Goodman  
Shealy, Crum & Pike, P.A.  
P.O. Box 6346  
Dothan, Alabama 36302-6346

This 18<sup>th</sup> day of January, 2008.

  
OF COUNSEL

EMPLOYEE #

[illegible]

**PLAINTIFF'S  
EXHIBIT**

3/4/08

2 Boyer

## EMPLOYEE STATUS CHANGE

Please check applicable box

☐ New Hire  
☐ Transfer (Lateral)  
☐ Certification  
☒ Promotion  
☒ Termination  
☐ Salary Adjustment  
☐ Title/Grade Change  
☐ Other  
☐ Leave of Absence

Effective Date of this Action:

12/4/06

New Department Salary Account No.:

Employee Name (Last) <b>Nance</b>		First <b>Tommy (Thomas)</b>		Middle <b>A.</b>
CURRENT STATUS	Job Title <b>HR mgr II</b>	Grade <b>16</b>	Department <b>HR</b>	Location <b>Dothan</b>
	Reports To: <b>M. Boyer</b>			
	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non Exempt <input type="checkbox"/> F/T Regular <input type="checkbox"/> Temporary <input type="checkbox"/> P/T Regular			
NEW STATUS	Job Title	Grade	Department	Location
	Reports To:			
	<input type="checkbox"/> Exempt <input type="checkbox"/> Non Exempt <input type="checkbox"/> F/T Regular <input type="checkbox"/> Temporary <input type="checkbox"/> P/T Regular			
Salary Adjustment				
Current Salary Range				
Minimum		Midpoint		Maximum
<b>33,946 70,846</b>		<b>42,108 90,334</b>		<b>109,822</b> <del>90,258</del>
Current Salary (or Salary for New Employee)		Amount of Change		Percentage
Per Month \$		Per Month \$		Merit %
Per Year \$ <b>67,112.50</b>		Per Year \$		Promotional %
Hourly (if Applicable) \$		Hourly (if Applicable) \$		New Salary
Per Month \$		Per Month \$		Per Month \$
Per Year \$		Per Year \$		Per Year \$
Hourly (if Applicable) \$		Hourly (if Applicable) \$		Hourly (if Applicable) \$
Termination				
<input type="checkbox"/> Voluntary		Reason for Separation		
<input checked="" type="checkbox"/> Involuntary		<b>Performance</b>		
				Last Day Worked
				<b>12/4/06</b>
Comments <b>Performance Issues - see separation agreement</b>				
Approval: <b>Steven E. Smith</b> 12/15/06				
Requesting Department Manager/Date		Department Head/Date		Corporate Officer/Date

Human Resources Use Only - Do Not Complete This Section					
Social Security No. <b>421-13-6017</b>	Job Number <b>045255</b>	EEO Code - Job Group <b>1-03</b>	Census Code <b>013</b>	Department Name <b>HR</b>	
Company # / Floor # <b>C93</b>	Source Code	W/C Code <b>8810</b>	Rate Code	Job Posting #	Replaced
Separation Pay <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Vacation Pay <input type="checkbox"/> Y <input type="checkbox"/> N	Term Code <b>151</b>	<input type="checkbox"/> H <input checked="" type="checkbox"/> M	Last Day Paid	Payroll Entry Date
H.R. Manager Approvals/ Date <b>Oliver Christ</b>		Compensation Analyst/Date		H.R. Data Specialist/Date <b>Entered 12/15/2006</b>	

HR Forms.xls Revised 7/04

**PLAINTIFF'S  
EXHIBIT**
**3** 3/4/08  
**Boyer**

CONFIDENTIAL

FH000729

## MEMORANDUM

DATE: June 16, 2006  
TO: Frank Williams  
FR: Melvin Hutchins  
RE: **Written Counseling – 1<sup>st</sup> Step**

INCIDENT  
OCCURRED ON  
06/14/06

On June 14, 2006 you used profanity in the presence of other co-workers. *This is a violation of plant work rule #16, fighting, threatening, intimidating, coercing, interfering with fellow associates, or any other acts of violence on company property.*

Failure to follow the company policy has resulted in you receiving this **1<sup>st</sup> Step – Written Counseling**. Any future violations will result in additional disciplinary action up to and including termination

Melvin Hutchins

Melvin Hutchins  
Production Manager

Frank Williams

Frank Williams  
(Signature acknowledges  
Receipt of this document  
only.)

PLAINTIFF'S  
EXHIBIT  
3/14/08  
4 Boyer

CONFIDENTIAL

FH000799



## MEMORANDUM

DATE: August 1, 2006  
TO: Frank Williams  
FR: Tommy Nance  
RE: 2<sup>nd</sup> Step – Written Warning

INCIDENT  
OCCURRED ON  
7/27/06

On July 27, 2006, there was an incident involving yourself and another employee. You acted in a way not consistent with the expectations of a Team Leader. You must learn to control your temper and direct the employees on the line without displaying actions that could be construed as rude, intimidating, or disrespectful. In order to remain in the Team Leader position, we must see improvement in your employee relations skills.

Failure to follow the company policy has resulted in you receiving this Written Warning – 2<sup>nd</sup> Step. Any future violations will result in additional disciplinary action up to and including termination.

*Tommy Nance 8/2/06*

Tommy Nance  
Human Resources Manager

*Frank Williams*

Frank Williams  
(Signature acknowledges  
Receipt of this document  
only.)

PLAINTIFF'S  
EXHIBIT

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Boyer

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FH000809

DOCUMENTATION FORM

Employee Name: Jonnie Nickerson  
Investigating Supervisor: Chris Jordan / Eugene Date: 7-27-06  
Present: \_\_\_\_\_

Who was involved: Frank Williams

Witness (s): No witness as far as she knows.

Date of incident: 7-27-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): 9:40am.

\*What happened: Jonnie N. was on the label machine and Frank W. came out on the line and ~~said~~<sup>sed</sup> to me over time I come back the ~~label~~ <sup>label</sup> machine is fuck up and saying is to me I told him I didn't put my hand on the label machine

PLAINTIFF'S  
EXHIBIT  
3/4/08

6 Boyer

Did this result in down time? no If yes how much?

Did this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.

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FH000810

\* He will not let her make any adjustments.

( \* Just wants her to load labels.

---

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FH000811

File - Frank Williams  
(72)

DOCUMENTATION FORM

Employee Name: Frank Williams

Investigating Supervisor: Chris Jordan / ~~Frank Eugene~~ Date: 7-27-06

Present: \_\_\_\_\_

Who was involved: Janie Nickerson

Witness (s): \_\_\_\_\_

Date of incident: 7-27-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): \_\_\_\_\_

What happened: The label machine was messing up  
really bad. Me & Bruce was working on it  
I turned around and asked Janie to help with  
the rework that was bad labels she told me  
to hold up so I asked her to please go  
and help. I seen that she was way  
behind on her label checklist sheet  
so I left it alone. I explained  
to her that to keep the label machine

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT

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Boyer

FH000812

running. She would have to push the table  
and help keep the Cans running. She told me that  
she could not do more than one thing at a time ~~and~~  
~~and~~ I explained that it would help. But she will not  
do it. It has cause a lot of problems with the table  
staying full. A lot of the problems I am having  
with my Employees is. My Supervisor tell me  
to tell them something to do I tell them and  
If they don't like it they turn around and  
tell something on me because I told them to do  
their job. So I get in ~~trouble~~ trouble



## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris Jordan Date: 6-14-08Present: Melvin Hutchins, Frank Hall**PLAINTIFF'S  
EXHIBIT**Who was involved: Frank Williams3/4/08  
8 BoyerWitness (s): Catherine Long, Wesley, Tamekia Cook

Date of incident: \_\_\_\_\_

Where did it take place: line 3When did it take place (time and day): 11<sup>00</sup> - 11<sup>05</sup>?

What happened: Today on line 3 when I came back from second break, (Frank Williams had relieved me.) I noted that the paperwork had not been done while I was on break, so I was catching up on the paperwork. Frank was reloading the machine with labels. There was re-work in a box full of cans, and the table was over-flowing with cans with bad labels. When Frank reloaded the machine he went to walk away - I asked him to help with the re-work - (the audit was going on) he started yelling at me that he had better "mother fucking things to do than worry about that fucking re-work. He continued to holler at me, and I told him to quit yelling & cussing at me. At this time he went from inside of the line to the outside of the line. The entire time yelling at me. Continued to yell mother fucker. God damn mother fucker. Throwing a large bag of cans. As he continued to yell and cuss at me - I continued to request that Wesley would please call for a supervisor. At this time Frank

Did this result in down time? NO If yes how much?Did this result in product being scrapped? If yes how much? NO

Attach an additional sheet if needed for witness statements following the same format.

was still yelling & cussing and I continued to ignore him. Donald Coty walked by and I requested that he please get a supervisor, please call Melvin Hutchins.

MHP →

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FH000802

Finally Frank went on his way, when Melvin came I told him about the situation at hand. Catherine ~~Long~~ ~~Long~~ was standing there and Wesley, and I honestly do not know who else. I ignored Frank Williams yelling God Damn mother fucker — whether he was calling me that name or just yelling it at me. Regardless — I won't take it again. No one else talks to me that way and he sure won't again. I don't have to tolerate that level of abusive language or name calling. Tameara asked me later what was he having a fit about.

Also, stated to Catherine "Did I holler at Linda". She stated "Yeah".

DOCUMENTATION FORM

Employee Name: Tamela Cooke

Investigating Supervisor: Chris Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 label machine

When did it take place (time and day): Before lunch

What happened: line 3 label machine messed up & we had  
bad labels on the work area & we cleaned some  
& when Linda got back from back some was  
left up there and she asked <sup>Frank</sup> what about this  
mess and Frank walked off saying curse words  
exact I don't know so Linda said something to  
him. ~~She~~ ~~at a first~~ ~~was~~ ~~co~~ he threw his hands  
up & said fuck it and went threw the curtains.  
She was ignoring him but it was words still  
being said from him.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT  
9 3/4/08  
Boyer

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FH000808

## Nutcracker Brands Inc.



Nutcracker



## EMPLOYMENT APPLICATION

PERSONAL (RESUME MAY BE ATTACHED) DATE 09-22-00

NAME: LAST Williams FIRST Frank MIDDLE INITIAL D

TEMPORARY ADDRESS CITY Newton STATE MA ZIP CODE

PERMANENT ADDRESS CITY Newton STATE MA ZIP CODE

AREA CODE-TEMPORARY PHONE NUMBER 334 692-3099 AREA CODE-PERMANENT PHONE NUMBER 334 692-4334 SOCIAL SECURITY NUMBER 417-02-3546

WERE YOU EVER EMPLOYED BY ALSTON PURINA, RALCORP HOLDINGS, OR ANY OF THEIR SUBSIDIARIES/AFFILIATES? ☐ YES ☒ NO IF YES, WHEN - WHERE

HAVE YOU EVER BEEN CONVICTED OF ANY FELONY? IF YES, DESCRIBE IN DETAIL (CONVICTIONS WILL NOT AUTOMATICALLY DISQUALIFY JOB CANDIDATES) YES ☐ NO Squirt Reps my girlfriend was 2 years younger than me when she was 18

FOR WHAT POSITION ARE YOU APPLYING? SALARY EXPECTATIONS open DATE AVAILABLE 09-25-00

HOW DID YOU BECOME AWARE OF THE POSITION? Bruce Cassidy

ARE YOU RELATED TO ANYONE EMPLOYED BY THE COMPANY? IF YES, WHO AND WHAT IS YOUR RELATIONSHIP? ☐ YES ☒ NO

WILL YOU WORK OVERTIME, IF REQUIRED? ☒ YES ☐ NO WILL YOU WORK WEEKENDS, IF REQUIRED? ☒ YES ☐ NO

## EDUCATION

Achieved High School Diploma/GED? ☒ YES ☐ NO

(Include Education in Progress.)	FROM MO. YR.	TO MO. YR.	DIPLOMA DEGREE DATE	MAJOR	CLASS STANDING OR GRADE POINT AVERAGE
HIGH SCHOOL/LOCATION <u>JFI Ingram</u>			<u>Ged</u>		
TECHNICAL SCHOOL/COLLEGE LOCATION <u>JFI Ingram</u>	<u>3-92</u>	<u>4-94</u>	<u>AA</u>	<u>Business</u>	<u>3.4</u>

PLEASE LIST SPECIAL SKILLS, CERTIFICATIONS OR QUALIFICATIONS YOU POSSESS (SUCH AS FOREIGN LANGUAGE FLUENCY, CPA, COMPUTER SKILLS, ETC.)

PLAINTIFF'S  
EXHIBIT10 3/4/08  
Boyer

## PERIENCE

se list all past work history including military and summer work. Use additional paper if necessary. (Please complete fully even if submitting resume.)

RT WITH PRESENT/LAST EMPLOYER

PRESENT/LAST EMPLOYER <i>Jumps &amp; Potholes</i>		EMPLOYER'S ADDRESS AND PHONE NUMBER <i>2236 Reeves St.</i>	
SUPERVISOR/PHONE NUMBER <i>Mike</i>		REASON FOR LEAVING <i>N/A</i>	
STARTING SALARY <i>66.00</i>		PRESENT/LAST SALARY <i>88.50 hr.</i>	
PRESENT/LAST BONUS/COMM.		YOUR JOB TITLE(S) <i>Pipe fitter</i>	
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES <i>Connected pipe, grinded</i>			

EMPLOYER <i>Personal Resources</i>		EMPLOYER'S ADDRESS AND PHONE NUMBER <i>Fresh</i>	
SUPERVISOR/PHONE NUMBER <i>Dennis Ellis</i>		REASON FOR LEAVING <i>Better Job</i>	
STARTING SALARY <i>7.50</i>		PRESENT/LAST SALARY <i>7.50</i>	
PRESENT/LAST BONUS/COMM.		YOUR JOB TITLE(S)	
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES <i>send milk, pull orders</i>			

EMPLOYER <i>Theresa Pokhand</i>		EMPLOYER'S ADDRESS AND PHONE NUMBER <i>Baker hill</i>	
SUPERVISOR/PHONE NUMBER <i>Terre Wheeler 687-7790</i>		REASON FOR LEAVING <i>Moved</i>	
STARTING SALARY <i>6.50hr.</i>		PRESENT/LAST SALARY <i>28,000 year</i>	
PRESENT/LAST BONUS/COMM.		YOUR JOB TITLE(S) <i>First Sanitation Supervisor</i>	
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES <i>oversee all production lines &amp; make sure people where doing their jobs; Payroll check of all my employees</i>			

## PLEASE PROVIDE THREE BUSINESS REFERENCES OTHER THAN THOSE LISTED ABOVE.

NAME <i>Bruce Cassidy</i>	TITLE <i>Supervisor</i>	PHONE NUMBER <i>Flavor House</i>	LENGTH OF TIME KNOWN <i>3 1/2 years</i>
NAME <i>Butch Cassidy</i>	TITLE <i>Supervisor</i>	PHONE NUMBER <i>(11 11)</i>	LENGTH OF TIME KNOWN <i>3 1/2 years</i>
NAME <i>Cecil Feibynan</i>	TITLE <i>Supervisor</i>	PHONE NUMBER <i>Coca Cola</i>	LENGTH OF TIME KNOWN <i>12 years</i>

## PLEASE READ THE FOLLOWING VERY CAREFULLY BEFORE SIGNING.

I acknowledge that the information I have supplied is correct to the best of my knowledge and belief without any omissions of any kind whatsoever. I understand that any falsifications, misrepresentations or omissions of fact may be grounds for rejection of my application or discharge at any time during my employment.

I understand that consideration for employment in this position is contingent upon the results of a reference and background check. I authorize the Company to investigate all statements made on my application for employment and to discuss the results of its investigations with those responsible for hiring. I further authorize the Company to contact my former employer(s) and any listed references or other persons who can verify information, and I give my consent for former employer(s) and other contacted persons to respond to questions pertaining to information on this application. Further, I release from liability such former employer(s) or other persons contacted by and providing information to the Company.

I understand that nothing in this application is intended to imply or create a contract of employment. I further understand that, if hired, my employment is at-will and can be terminated at any time for any reason, by the Company or me, with or without notice.

I acknowledge and agree that employment in the position for which I have applied may be contingent upon completion of a Company-paid physical examination. In addition, I understand that employment in this position is contingent upon successful completion of a test for the presence of illegal substances.

*09-22-00*  
DATE (MONTH & YEAR)

APPLICANT'S SIGNATURE

*Frank Wilkins*

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FH000815





Search for Sex Offender by City   **ADVANCED**  
**SEARCH**

### Navigation

**Home**  
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### Archives

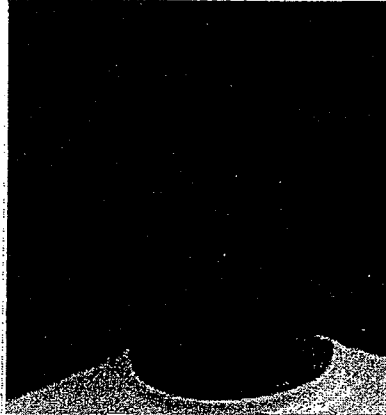
**Amber Alerts**  
**Missing Child Media Alerts**

### Information

**Agencies**  
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**Legal Information**

### Criminal Sex Offender Information Current Picture

**Name:** WILLIAMS Jr,  
FRANKLIN  
DELNOR  
**Race:** White  
**Sex:** Male  
**Date Of Birth:** 5/25/1971  
**Height:** 6' 3"  
**Weight:** 187  
**Eye Color:** Brown  
**Hair Color:** Brown



### Current Physical Address

**Address:** 1408  
North  
Broad  
Street  
Cowarts,  
AL 36321  
Houston  
County

**Registration Date:** 9/9/2002  
**Release Date:** 2/14/1992  
**MapQuest Map:**

### Crime Information

**Sex Crime:** UCR\_Code: 1199 CrimeLocation: Barbour  
Case\_Number: TrialLocation: Barbour  
ORICode: AL0380000 Offense Description:  
Rape 2nd (3 counts), Sodomy 1st (2  
counts)

**Crime Location:** Barbour County, AL

**Description:** Williams engaged in sexual intercourse  
with a 13, 14 and 16 year old.

### Special Notes

Due to time delays in processing sex offender data, this  
information should be verified with the appropriate Sheriff's  
Office or Chief of Police.

### Amber Alerts

There are no active  
alerts.

### Missing Child Media Alerts

There are no active  
alerts.

### Safety Tips

Instruct your  
children to always  
inform you of their  
whereabouts. Tell  
them to ask  
permission before  
leaving their play  
area or going into a  
neighbor's yard.

**PLAINTIFF'S  
EXHIBIT**

*11 Boyer*

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<http://community.dps.state.al.us/wfPages/wfSexOffenderFlyer.aspx?ID=3453032b-f70b-4...> 7/19/2006

LINDA THORNTON V. FLAVOR HOUSE, ET AL INITIAL DISCLOSURES 0074



Search for Sex Offender by     
**SEARCH**

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- Agencies
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- Legal Information

**Sex Offenders**

If you have questions regarding Sex Offenders you see on our web site, contact the agency listed in our database or contact the Alabama Bureau of Investigation directly at (334) 353-1172. Our business hours are 8:00am cst - 5:00pm cst, Monday - Friday. Please limit after hour calls to emergencies only. Our E-MAIL: [sexoffenders@dps.state.al.us](mailto:sexoffenders@dps.state.al.us).

**Total Sex Offenders found: 1**

Offender	
 <b>Address:</b> 1408 North Broad Street Cowarts, AL 36321 Houston County, AL	<b>Name:</b> WILLIAMS Jr, , FRANKLIN DELNOR <b>Race:</b> White <b>Gender:</b> Male

**Amber Alerts**

There are no active alerts.

**Missing Child Media Alerts**

There are no active alerts.

**Safety Tips**

Check inside your car before getting in.

**All Contents Property of  
 The Alabama Department of Public Safety**

DOCUMENTATION FORM

Employee Name: Catherine Long

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams and Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before 1200 Noon

What happened: well Linda just had  
came from Brake and she  
asked Frank to help her clean  
off the table by Line 3 label  
machine. I hear Frank said  
the F word and I cant  
do every dam thing.  
that all I heard except he  
was doing a lot of yelling and  
exet. exet. exet.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT  
12 3/4/08  
Boyer

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FH000806

**FREEDOM COURT REPORTING**

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 MARY ANN BOYER</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 May 13, 2008</p> <p>23 Dothan, Alabama</p>	<p style="text-align: right;">3</p> <p>1 Robertson the original transcript of the</p> <p>2 oral testimony taken the 13th day of May,</p> <p>3 2008, along with exhibits.</p> <p>4 Please be advised that this is the</p> <p>5 same and not retained by the Court Reporter,</p> <p>6 nor filed with the Court.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">2</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Mary Ann</p> <p>5 Boyer, may be taken before Renny D.</p> <p>6 McNaughton, Court Reporter and Notary</p> <p>7 Public, State at Large, at the offices of</p> <p>8 Bobbie Crook, Dothan, Alabama, on the 13th</p> <p>9 day of May, 2008, commencing at</p> <p>10 approximately 1:00 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that it shall not be necessary for any</p> <p>13 objections to be made by counsel to any</p> <p>14 questions, except as to form or leading</p> <p>15 question and that counsel for the parties</p> <p>16 may make objections and assign grounds at</p> <p>17 the time of trial or at the time said</p> <p>18 deposition is offered in evidence, or prior</p> <p>19 thereto.</p> <p>20 In accordance with Rule 5(d) of the</p> <p>21 Alabama Rules of Civil Procedure, as</p> <p>22 amended, effective May 15, 1988, I, Renny D.</p> <p>23 McNaughton, am hereby delivering to Ms.</p>	<p style="text-align: right;">4</p> <p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Robertson 9</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 No. 13 13</p> <p>7 No. 14 23</p> <p>8 No. 15 24</p> <p>9 No. 16 34</p> <p>10 No. 17 36</p> <p>11 No. 18 57</p> <p>12 No. 19 63</p> <p>13 No. 20 64</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">5</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE DEFENDANT (S):</p> <p>4 Jennifer F. Swain</p> <p>5 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>6 Berkowitz, PC</p> <p>7 Wachovia Tower, 420 North Twentieth Street,</p> <p>8 Suite 1600</p> <p>9 Birmingham, Alabama 35203-5202</p> <p>10 205-328-0480</p> <p>11</p> <p>12 FOR THE PLAINTIFF (S):</p> <p>13 Ann C. Robertson</p> <p>14 Temple D. Trueblood</p> <p>15 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>16 The Kress Building</p> <p>17 301 Nineteenth Street North</p> <p>18 Birmingham, Alabama 35203</p> <p>19 205-314-0500</p> <p>20 Also Present:</p> <p>21 Linda Thornton</p> <p>22 Dee Lake</p> <p>23</p>	<p style="text-align: right;">7</p> <p>1 May 13th, 2008, in the law office of</p> <p>2 Bobbi S. Crowe. Would Counsel please</p> <p>3 identify yourself and state whom you</p> <p>4 represent.</p> <p>5 MS. ROBERTSON: I'm Ann Robertson</p> <p>6 for the plaintiff and Temple Trueblood,</p> <p>7 who's not right here -- is not here</p> <p>8 right now, will be here in a minute and</p> <p>9 she's for the plaintiff also.</p> <p>10 MS. SWAIN: And I'm Jennifer</p> <p>11 Swain, attorney for the defendant,</p> <p>12 Flavor House.</p> <p>13 THE VIDEOGRAPHER: The witness is</p> <p>14 already sworn in.</p> <p>15 MARY ANN BOYER</p> <p>16 having been previously sworn, was examined</p> <p>17 and testified as follows:</p> <p>18 EXAMINATION</p> <p>19 BY MS. ROBERTSON:</p> <p>20 Q Ms. Boyer, remind me when you</p> <p>21 started at Flavor House. I know I asked you</p> <p>22 last time, but I can't remember.</p> <p>23 A It will be four years this coming</p>
<p style="text-align: right;">6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 1:00</p> <p>10 p.m. on the 13th day of May, 2008, Mary Ann</p> <p>11 Boyer, witness in the above cause, for oral</p> <p>12 examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This begins</p> <p>16 videotape one in the deposition of Mary</p> <p>17 Ann Boyer in the matter of Linda</p> <p>18 Thornton versus Flavor House Products,</p> <p>19 Inc., and Franklin D. Williams, case</p> <p>20 107-CV-712WKW in the court of U.S.</p> <p>21 District Court for the Middle District</p> <p>22 of Alabama, Southern Division. We're on</p> <p>23 record at 1:15 p.m. on Tuesday,</p>	<p style="text-align: right;">8</p> <p>1 July.</p> <p>2 Q And so that would be two thousand</p> <p>3 --</p> <p>4 A 2004.</p> <p>5 Q And when you came to Flavor</p> <p>6 House, can you tell me when someone was</p> <p>7 disciplined, say a team leader, who</p> <p>8 participated in the decision as to what the</p> <p>9 discipline would be?</p> <p>10 A Well, we didn't have team leaders</p> <p>11 when I first came. Okay?</p> <p>12 Q Okay.</p> <p>13 A But in any kind of discipline</p> <p>14 procedure, HR would be involved, human</p> <p>15 resources.</p> <p>16 Q And -- and -- and when you say</p> <p>17 "HR would be involved," were they the people</p> <p>18 that would make the decision as to what the</p> <p>19 --</p> <p>20 A They -- they would conduct the --</p> <p>21 what we call the investigation. You know, a</p> <p>22 supervisor or anybody could bring a</p> <p>23 complaint forward, even an employee. But HR</p>

2 (Pages 5 to 8)



## FREEDOM COURT REPORTING

<p style="text-align: right;">9</p> <p>1 would handle the investigation and HR would</p> <p>2 work with whoever needed to be interviewed,</p> <p>3 consulted, etcetera, and then they would</p> <p>4 usually come forward with their</p> <p>5 recommendation to me.</p> <p>6 Q All right. Now, when you say HR,</p> <p>7 who are you talking about in -- in the</p> <p>8 period between 2004 and 2007?</p> <p>9 A Okay. Can't tell you the exact</p> <p>10 dates. I don't want to give you any</p> <p>11 information that I don't know off the top of</p> <p>12 my head. But in sequence, Glen Warren came</p> <p>13 exactly the same time I did in July of 2004.</p> <p>14 Q And he was an HR person?</p> <p>15 A Yes.</p> <p>16 Q Not an attorney?</p> <p>17 A No, no. Glen is an HR person</p> <p>18 with a kind of safety specialist. He's at</p> <p>19 our corporate now.</p> <p>20 Q All right.</p> <p>21 A And then we had David. I'm</p> <p>22 trying to think of David's last name.</p> <p>23 Q Helms?</p>	<p style="text-align: right;">11</p> <p>1 Q All right. Now, when you say</p> <p>2 that HR would be involved, are you saying</p> <p>3 that HR would make the decision as to what</p> <p>4 the discipline should be as to -- at --</p> <p>5 at -- after an investigation?</p> <p>6 A They would make a recommendation,</p> <p>7 yes, and they would base that off</p> <p>8 precedence, how things have been handled in</p> <p>9 the past, what our policy handbook said,</p> <p>10 what all the evidence might lead up to.</p> <p>11 Q And -- and they would make</p> <p>12 recommendations to you?</p> <p>13 A If it was a termination, yes. I</p> <p>14 was not involved in every disciplinary act,</p> <p>15 but it was a rule with terminations that</p> <p>16 they would have to come to me.</p> <p>17 Q But short of termination, they --</p> <p>18 the HR person would make the decision by him</p> <p>19 or herself?</p> <p>20 A I don't look at every discipline.</p> <p>21 That's correct.</p> <p>22 Q All right. Well, so an HR</p> <p>23 decision -- an HR person could keep someone</p>
<p style="text-align: right;">10</p> <p>1 A Helms, David Helms. And then we</p> <p>2 had Tommy Nance. And that was who would</p> <p>3 have been there when Linda left. Now we</p> <p>4 have Dee.</p> <p>5 Q All right. That would have been</p> <p>6 when Linda left. And when did Mr. Nance</p> <p>7 leave?</p> <p>8 A It was in the fall of that same</p> <p>9 year.</p> <p>10 Q Was it --</p> <p>11 A I don't know the exact date.</p> <p>12 Q Was it fall or winter? Was --</p> <p>13 A It might have been early winter,</p> <p>14 late fall.</p> <p>15 Q Of 2006?</p> <p>16 A Yes, the same year Linda left.</p> <p>17 Q Was Mr. Franklin Williams still</p> <p>18 there at the time that Mr. Nance left?</p> <p>19 A Yes, I believe so.</p> <p>20 Q And who took over after Mr. Nance</p> <p>21 left in terms of the HR function?</p> <p>22 A Dee Lake, who you see sitting</p> <p>23 right over there (indicating).</p>	<p style="text-align: right;">12</p> <p>1 on indefinitely that should have been</p> <p>2 terminated, but as long as they never</p> <p>3 brought it to you, you wouldn't have any</p> <p>4 input?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 Q Is that right?</p> <p>7 A I think you're trying to lead me</p> <p>8 into something --</p> <p>9 Q I'm just --</p> <p>10 A -- and, you know, HR --</p> <p>11 Q I'm stunned is what I am.</p> <p>12 A Well, I'm not sure why you should</p> <p>13 be but --</p> <p>14 MS. SWAIN: I object.</p> <p>15 A That's okay. But, you know, I</p> <p>16 think the situation is these HR people are</p> <p>17 professionals.</p> <p>18 Q Uh-huh.</p> <p>19 A They have divisional resources to</p> <p>20 use for guidance and they know it's their</p> <p>21 performance to make good, solid decisions,</p> <p>22 so I believe they do as a rule.</p> <p>23 Q And -- and they wouldn't ask</p>

3 (Pages 9 to 12)

**FREEDOM COURT REPORTING**

<p style="text-align: right;">13</p> <p>1 about the person who supervised, say, the 2 team leader for any input about what the 3 discipline should be? 4 MS. SWAIN: Objection. 5 Q Is that what you're saying? 6 A They would get facts from 7 everybody they felt pertinent in any 8 situation. 9 Q Well, I'm not asking about facts. 10 I'm talking about a recommendation for a 11 disciplinary. 12 A They don't let people's personal 13 objective opinions lead to things. 14 (Plaintiff's Exhibit Number 15 13 was marked and attached to the 16 deposition.) 17 BY MS. ROBERTSON: 18 Q All right. I will show you 19 what's been marked as 13 to your deposition 20 and ask you -- 21 MS. ROBERTSON: And I'm not 22 saying we haven't already marked this in 23 a earlier deposition. We're just going</p>	<p style="text-align: right;">15</p> <p>1 Q Okay. And -- 2 A I was aware the step was being 3 taken. 4 Q All right. And I will show you 5 what's been marked as Plaintiff's Exhibit 6 Number 6. Are you -- did you see that or 7 are you aware of that, Plaintiff's Exhibit 8 Number 6 to Ricky Smothers' deposition? 9 A I'm not sure whose that is. I 10 can't tell by the document. 11 Q Well, it says investigation 12 notes. 13 A Uh-huh. 14 Q Is that your understanding of 15 what the resolution of the -- of the -- of 16 the situation was? That is the situation in 17 which -- 18 A No. This is a written 19 counseling. It's not a warning. So whether 20 they got their terminology wrong or 21 something, but this is truly a written 22 counseling. 23 Q All right. Is that different</p>
<p style="text-align: right;">14</p> <p>1 to pretend like. 2 Q Can you tell me what this is? 3 MS. SWAIN: Can you give me a 4 copy, Ann? 5 MS. ROBERTSON: Yeah. You had a 6 copy from yesterday. 7 MS. SWAIN: Okay. 8 MS. ROBERTSON: I probably have 9 to get another copy for you but -- 10 MS. SWAIN: I've got it. 11 THE WITNESS: I think we looked 12 at it last time. I'm pretty sure we 13 did. 14 A This is a documented disciplinary 15 step. 16 Q All right. And did you have any 17 input into that documented disciplinary 18 step? 19 A I believe Tommy worked with 20 Melvin on this. 21 Q I'm sorry. What? 22 A Tommy Nance, the HR manager, made 23 the recommendation on this step.</p>	<p style="text-align: right;">16</p> <p>1 from a warning? 2 A Uh-huh. 3 Q How is it different? 4 A A warning could be a -- 5 Q And just for the record, you need 6 to say yes or no. I know we've got it on 7 videotape, but he's having to write it down 8 -- 9 A Oh, okay. 10 Q -- so it's better to say yes or 11 no instead of uh-huh or huh-uh. 12 A Sorry. 13 Q Okay. 14 A Say it again. 15 Q Tell me the difference between a 16 warning and a counseling. 17 A This is a written counseling. 18 Okay? 19 Q Right. 20 A So a warning could be given and 21 it's not following the progressive steps. 22 You might give someone a warning if it's a 23 minor violation, okay, and they have nothing</p>

4 (Pages 13 to 16)

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<p style="text-align: right;">17</p> <p>1 else on the record.</p> <p>2 Q All right. So do you know did</p> <p>3 Tommy Nance recommend a warning and you</p> <p>4 override that and -- and recommend a written</p> <p>5 --</p> <p>6 A No.</p> <p>7 Q -- counseling? And you don't</p> <p>8 know where this particular document came</p> <p>9 from or what -- who generated it?</p> <p>10 A No. It doesn't have a signature.</p> <p>11 Because it's typed, I can't look at any</p> <p>12 handwriting.</p> <p>13 Q Were you -- and you were</p> <p>14 consulted before Plaintiff's Exhibit Number</p> <p>15 13 was done; is that right?</p> <p>16 A I was aware that they were</p> <p>17 issuing it.</p> <p>18 Q Were you consulted about Linda</p> <p>19 Thornton being moved to line 15?</p> <p>20 A It's line five.</p> <p>21 Q Line five. Excuse me. I'm</p> <p>22 sorry.</p> <p>23 A Yeah. Yes, I was.</p>	<p style="text-align: right;">19</p> <p>1 Q Right.</p> <p>2 A That line will tell you what date</p> <p>3 the incident occurred that they're going to</p> <p>4 have them write a statement on, but there's</p> <p>5 no date of when this was actually written so</p> <p>6 I can't tell you.</p> <p>7 Q All right. Plaintiff's Exhibit</p> <p>8 Number 2 to Ricky Smothers' deposition, can</p> <p>9 you tell when that was taken?</p> <p>10 A This would appear -- and I wasn't</p> <p>11 here when the statement was taken. So just</p> <p>12 assuming this from looking at the writing on</p> <p>13 the paper, it appears this was taken on</p> <p>14 6/14.</p> <p>15 Q All right. Plaintiff's Exhibit</p> <p>16 Number 3, when was that taken, to the</p> <p>17 Ricky -- Ricky Smothers' deposition?</p> <p>18 A Okay. Once again, I wasn't here</p> <p>19 when it was taken, but assuming by looking</p> <p>20 at what information was filled out, I would</p> <p>21 say they were referring to the incident that</p> <p>22 occurred on the 14th. I would assume that</p> <p>23 that is the date that the statement was</p>
<p style="text-align: right;">18</p> <p>1 Q All right. And did you agree</p> <p>2 with that?</p> <p>3 A Yes.</p> <p>4 Q And -- and after that, was there</p> <p>5 any plan to do anything different or more</p> <p>6 relative to the situation involving Linda</p> <p>7 Thornton and Frank Williams?</p> <p>8 A I believe the written counseling</p> <p>9 was given once all statements were taken by</p> <p>10 all employees who witnessed the situation</p> <p>11 and this was seen as appropriate action.</p> <p>12 Q All right. Well, the data on</p> <p>13 Plaintiff's Exhibit Number 6 is -- is 6/14.</p> <p>14 I will show you what's been marked as</p> <p>15 Plaintiff's Exhibit Number 1 to Richard --</p> <p>16 Ricky Smothers' deposition and ask you do</p> <p>17 you think that Plaintiff's Exhibit Number 1</p> <p>18 had been taken before or after Plaintiff's</p> <p>19 Exhibit Number 6?</p> <p>20 A You can't tell --</p> <p>21 Q All right.</p> <p>22 A -- because there's no date.</p> <p>23 There's a date of the incident.</p>	<p style="text-align: right;">20</p> <p>1 taken, the 15th.</p> <p>2 Q Were you shown those by Tommy</p> <p>3 Nance at any period before the written</p> <p>4 warning was issued?</p> <p>5 A Yes, I believe I was.</p> <p>6 Q What is the next step after a</p> <p>7 written counseling form?</p> <p>8 A It depends on what happens. I</p> <p>9 mean, there's some things that could happen</p> <p>10 that would automatically take you out the</p> <p>11 door, there's some things where we follow</p> <p>12 progressive discipline each step at a time,</p> <p>13 and there's some things where we'll skip a</p> <p>14 step.</p> <p>15 Q All right. Have we got all of</p> <p>16 those?</p> <p>17 A You've got 3, 2, 1, 6.</p> <p>18 Q I'm looking for the one that --</p> <p>19 that Mr. Williams --</p> <p>20 A This is 13 so you're missing 4</p> <p>21 and 5, if you're wanting --</p> <p>22 Q Right. There should be -- we</p> <p>23 marked his.</p>

5 (Pages 17 to 20)



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<p style="text-align: right;">21</p> <p>1 MS. SWAIN: There was more than 2 six yesterday. 3 MS. ROBERTSON: Yeah. Do 4 you --off the record. 5 (An off-the-record discussion was held.) 6 Q Do we have Plaintiff's 1? 7 A Yes. 8 Q Okay. Looking at Plaintiff's 9 Exhibit 1, did you see it before 10 Mr. Williams was given his write-up? 11 A Like I say, I believe so. 12 Q Do you see anywhere in there 13 where he admits to having used profanity? 14 A Let me read it. No, I don't see 15 it in this text. 16 Q Do you see any evidence of anyone 17 asking him if he used profanity? 18 A You've got to realize the intent 19 of these documents. The investigation that 20 HR conducts is where questions will be asked 21 that may try to bring out something that is 22 in a different person's statement. When we 23 put this document in front of somebody, we</p>	<p style="text-align: right;">23</p> <p>1 a couple times and I think you've got to ask 2 HR. But they had a disciplinary file at one 3 time and they moved it to put it in 4 individual files. So each HR manager 5 created their own file, so I'm not sure 6 where Tommy would have put it. 7 Q Well -- 8 MS. ROBERTSON: Off the record. 9 (An off-the-record discussion was held.) 10 BY MS. ROBERTSON: 11 Q Do you know if Frank Williams 12 ever admitted to having used profanity? 13 A I wasn't in the room when they 14 did the one-on-one investigations, so I 15 can't -- I can't really answer that for you. 16 (Plaintiff's Exhibit Number 17 14 was marked and attached to the 18 deposition.) 19 BY MS. ROBERTSON: 20 Q All right. I will show you 21 what's been marked as Plaintiff's Exhibit 22 Number 14 to your deposition and ask you 23 what this is.</p>
<p style="text-align: right;">22</p> <p>1 don't want to lead them or prod them into 2 saying something. We put it in front of 3 them and say, I want you -- you're in here 4 because an incident occurred on this date. 5 I want you to write down in your words what 6 happened. So he would not have been asked 7 at the point he was writing this did you 8 cuss at anybody. Okay? So -- 9 Q Would he ever have been asked 10 that? 11 A Yes, he would have in the 12 investigation. 13 Q Would there have been notes taken 14 that he was -- that he was asked that? 15 A There should have been, yes. 16 Q And where would those notes be? 17 A Should have been in the HR 18 manager's file. 19 Q Okay. And -- and would that have 20 been where the things you have in front of 21 you, would that have -- where they would 22 have been? 23 A They've changed the filing system</p>	<p style="text-align: right;">24</p> <p>1 (Witness reviewing document.) 2 A It appears to be Frank's 3 statement related to an incident on 4 July 27th. 5 Q And -- of '06? 6 A Uh-huh. 7 Q A little over a month after the 8 incident reported by Linda Thornton; 9 correct? 10 A Uh-huh. 11 Q You need to say yes or no. 12 A Yes. 13 (Plaintiff's Exhibit Number 14 15 was marked and attached to the 15 deposition.) 16 BY MS. ROBERTSON: 17 Q I will show you what's been 18 marked as Plaintiff's Exhibit Number 15 and 19 ask you what that is. 20 MS. SWAIN: Can I -- 21 MS. ROBERTSON: Sorry. 22 A This appears to be Jonnie's 23 statement, but the two attachables behind it</p>

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<p style="text-align: right;">25</p> <p>1 don't appear to be the same handwriting.  2 They look like Tommy Nance's, so I would  3 assume they're some notes Tommy wrote.  4 Q All right. Do you think that  5 Plaintiff's -- did you ever see Plaintiff's  6 Exhibit Number 15 to your deposition?  7 A I can't say for sure that I did  8 or not, Ann.  9 Q Did you ever see Plaintiff's  10 Exhibit Number 14 to your deposition?  11 A If I'd have seen them, I'd have  12 seen them together because normally if they  13 showed them to me, they would bring the  14 whole group in with their recommendation.  15 Q Once again, Mr. Nance -- I mean  16 Mr. Williams does not mention that he used  17 cursing toward Jonnie in the incident he  18 detailed, did he?  19 A No, he does not.  20 Q Does it appear that he was being  21 untruthful about what happened in the event?  22 MS. SWAIN: Objection.  23 A I think you've got to say is it</p>	<p style="text-align: right;">27</p> <p>1 so instead of saying something that would  2 set -- get me in trouble, I walked away.  3 In fact, he basically lied, saying he  4 didn't say anything that should have gotten  5 him in trouble, didn't he?  6 MS. SWAIN: Objection.  7 A These statements start out an  8 investigation, Ann, and so I know that he  9 was brought back in and questioned and I  10 believe in the questioning of Mr. Williams,  11 he did not deny that those words were said.  12 So, you know, to say somebody lied, if we  13 take them all the way through an  14 investigation and we -- they boldface lie,  15 they can be terminated. But in this case, I  16 would say his statement -- he didn't bring  17 out everything in the statement, but during  18 the investigation I believe it was brought  19 out, not only by the other statements but by  20 him being asked directly so and so says you  21 said that. I don't believe at that point he  22 denied it.  23 Q He specifically said in his</p>
<p style="text-align: right;">26</p> <p>1 untruthful? Did he not give a complete  2 statement? I don't know. You know, lots of  3 times it's not unusual in -- in situations  4 with an employee that unfortunately if we  5 don't have a witnesses, we get a he said/she  6 said situation. But I do think there were  7 witnesses in this situation that heard Frank  8 curse.  9 Q Well, we know, based on  10 Plaintiff's Exhibit Number 1 to Ricky  11 Smothers', that in Linda Thornton situation  12 there were several witnesses that heard him  13 use curse words, including fuck and damn,  14 don't we?  15 A I believe that's what the  16 statement says.  17 Q Okay. But Mr. Williams did not  18 mention that he had said those words, did  19 he?  20 A No, he did not in his statement.  21 Q And -- and, in fact, Mr. Williams  22 said, I put my hand in the air and turned  23 around and walked off. I had got very upset</p>	<p style="text-align: right;">28</p> <p>1 initial statement that he had gotten upset  2 and he specifically walked away rather than  3 say something that could get him in trouble,  4 did he not?  5 MS. SWAIN: Objection.  6 Q I mean, you -- it's right there,  7 Plaintiff's Exhibit Number 1 to Smothers.  8 Read it again. I want you to make sure that  9 you've read it so that you understand what  10 he says.  11 A Yes. That's what the last  12 sentence says.  13 Q Okay. And -- and so are you  14 telling me that at the time he wrote the  15 statement, he didn't think saying mother  16 fucking thing do -- what -- I had better get  17 the mother fucking thing to do that and that  18 he had said -- called her a mother fucker  19 and was yelling God damn, that he didn't  20 think those things were the kinds of things  21 that would get him trouble?  22 MS. SWAIN: Objection.  23 A What I can't say, Ann, is what</p>



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<p style="text-align: right;">29</p> <p>1 his other statement that he walked away 2 without saying is. 3 Q Well, are you telling me when he 4 said that he -- he said that he walked away 5 without saying anything that would get him 6 in trouble, that he did not think saying God 7 damn, mother fucker, and fucking would get 8 him in trouble? Is that what you're telling 9 me? 10 MS. SWAIN: Objection. 11 A Profanity is a violation of the 12 plant rules, so he knows. He has a handbook 13 policy the same as all -- all employees do, 14 Ann. 15 Q So he lied when he -- in 16 Plaintiff's Exhibit Number 1 when he said he 17 walked saying -- without saying something he 18 thought would get him in trouble? 19 MS. SWAIN: Objection. 20 A He walked away before he said 21 something, so there was something else on 22 his mind that he didn't say that he 23 refrained from saying. I don't know what it</p>	<p style="text-align: right;">31</p> <p>1 good as someone who, say, has not? 2 MS. SWAIN: Objection. 3 A I think that's a very prejudice 4 and biased statement. I think there's a lot 5 of people that are convicted of things that 6 have opportunities to change their life. 7 That's a very sad statement to make, Ann. 8 It really is. 9 Q Well -- what? That -- when my 10 client said that he was a child molester and 11 he said that was none of her business? 12 A I think there's a lot of people 13 that have been convicted of things that have 14 the ability to turn their life around. And 15 I think -- 16 Q And you think Frank Williams is 17 one of them? 18 A -- to make a statement, Ann, that 19 once they've been convicted, they can never 20 be trusted again in their life is very 21 biased and it's mean. 22 Q Well, that would explain why you 23 are sitting here today, then, I suspect.</p>
<p style="text-align: right;">30</p> <p>1 is. Perhaps you'd have to ask Frank that. 2 Q Well, let me ask you something. 3 Would you believe Frank Williams under oath? 4 MS. SWAIN: Objection. 5 A I probably would. I would hope 6 to believe anybody under oath, but maybe 7 that's just me. 8 Q So you believe when he -- when he 9 pled guilty under oath to having deviant 10 sexual intercourse with a 10 year old he was 11 telling the truth? 12 MS. SWAIN: Objection. 13 A I can't refer to his court case. 14 Q You would believe -- you can't 15 refer to it? You don't know that? You 16 haven't seen that? You haven't heard that? 17 MS. SWAIN: Objection. 18 A Ann, it's not relevant to what 19 I'm dealing with sitting here with you right 20 now. 21 Q You don't think that a person 22 that has been convicted of multiple 23 felonies, that his word under oath is not as</p>	<p style="text-align: right;">32</p> <p>1 MS. SWAIN: Objection. 2 A That was real professional, Ann. 3 Q I'm just saying if you don't 4 think that -- that it has something to do 5 with why you're sitting here today, you just 6 told me it wasn't relevant. 7 A Well, I just think we use 8 judgment that is prevalent to the case in 9 situations, and I think you're trying to 10 dredge stuff up. But that's your job. Go 11 for it. 12 Q Did you -- well, so you think 13 that -- that Frank was telling the truth 14 when he said he walked away before he said 15 anything that would get him in trouble? 16 MS. SWAIN: Objection. Asked and 17 answered. 18 Q Or that his perception was that? 19 A I said the statement once. 20 You'll have to ask Frank what he refrained 21 from saying. 22 Q All right. Was -- what happened 23 to him when he said those words to Jonnie --</p>

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<p style="text-align: right;">33</p> <p>1 A Jonnie's her name.</p> <p>2 Q -- Jonnie in a -- in a -- a month</p> <p>3 later?</p> <p>4 A There was an investigation.</p> <p>5 Frank was given disciplinary action.</p> <p>6 Q And do you remember what that</p> <p>7 was?</p> <p>8 A I believe it was another written</p> <p>9 step.</p> <p>10 Q Another written step. On -- on</p> <p>11 this first step when he was warned, did he</p> <p>12 lose any money?</p> <p>13 A Not that I can remember.</p> <p>14 Q Was not docked any pay?</p> <p>15 A We don't do that with</p> <p>16 disciplinary action unless someone gets</p> <p>17 disqualified --</p> <p>18 Q Was he --</p> <p>19 A -- which is usually not</p> <p>20 necessarily discipline. It's their ability</p> <p>21 to perform on a machine.</p> <p>22 Q Was he suspended for any time?</p> <p>23 A Not that I remember.</p>	<p style="text-align: right;">35</p> <p>1 relation to the Jonnie incident back in</p> <p>2 July.</p> <p>3 Q All right. And so within a month</p> <p>4 he was disciplined for doing essentially the</p> <p>5 same thing he did to Ms. Thornton and he got</p> <p>6 another piece of paper put in his file. Is</p> <p>7 that what happened?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A That is correct. It's a</p> <p>10 disciplinary step.</p> <p>11 Q Was his team leadership position</p> <p>12 taken away from him?</p> <p>13 A No, it was not.</p> <p>14 Q Was he docked any pay?</p> <p>15 A No, he was not.</p> <p>16 Q Was he suspended at all?</p> <p>17 A No, he was not. He was handled</p> <p>18 in accordance with other people who had</p> <p>19 similar acts, including your client.</p> <p>20 Q Do you know if -- if -- how</p> <p>21 Mr. Williams would have been told about</p> <p>22 Plaintiff's Exhibit Number 16 to your</p> <p>23 deposition?</p>
<p style="text-align: right;">34</p> <p>1 Q Was his team leadership job taken</p> <p>2 away from him?</p> <p>3 A No.</p> <p>4 Q What exactly did the effect of</p> <p>5 getting a written counseling form have on</p> <p>6 Mr. Williams?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A It puts him at a disciplinary</p> <p>9 step and you don't have a step fall off for</p> <p>10 a year. So that means if he has other</p> <p>11 steps, it put him out the door.</p> <p>12 Q All right. Well, let's see</p> <p>13 what he -- on Plaintiff's Exhibit Number --</p> <p>14 MS. ROBERTSON: Where are we with</p> <p>15 these?</p> <p>16 MS. SWAIN: 16.</p> <p>17 Q -- 16 to your deposition, tell me</p> <p>18 about this, please, ma'am.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 16 was marked and attached to the</p> <p>21 deposition.)</p> <p>22 A That's the second disciplinary</p> <p>23 step that was issued August 1st that is in</p>	<p style="text-align: right;">36</p> <p>1 A He would have been brought in the</p> <p>2 office to be there with, let's see, Melvin</p> <p>3 the superintendent --</p> <p>4 Q Right.</p> <p>5 A -- and/or Tommy Nance.</p> <p>6 Q Right. And what would have</p> <p>7 happened?</p> <p>8 A They would have told him that he</p> <p>9 was being disciplined, they would have told</p> <p>10 him why, and they would have had him --</p> <p>11 request for him to sign it. You can see his</p> <p>12 signature and you can see Tommy's, so Tommy</p> <p>13 was obviously present.</p> <p>14 (Plaintiff's Exhibit Number</p> <p>15 17 was marked and attached to the</p> <p>16 deposition.)</p> <p>17 BY MS. ROBERTSON:</p> <p>18 Q I'll show you what's been marked</p> <p>19 as Plaintiff's Exhibit Number 17 to your</p> <p>20 deposition and ask you what this is, please,</p> <p>21 ma'am.</p> <p>22 (Witness reviewing document.)</p> <p>23 A This is an e-mail from Chris</p>

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<p style="text-align: right;">37</p> <p>1 Jordan to Tommy Nance. It's copying Ricky 2 and Melvin. It's talking about Frank's 3 attitude. It appears it is sent the day -- 4 let's see. Let's get our dates straight. 5 Q The day after he got his second 6 warning for cussing Jonnie; right? 7 A Right. 8 Q And what does it say down here? 9 It says, At this point it appears that the 10 issues addressed the previous day were on 11 issue today. 12 A I think what Chris is referring 13 to -- and it's not unusual that when 14 somebody gets disciplined and they feel they 15 might have been done wrong or they didn't 16 like the fact they got disciplined, that 17 they have to be talked to about you take 18 your discipline, you take it for what's 19 worth, and you don't let it carry over. And 20 I think that's what Chris is referring to. 21 Frank needed to go on, accept his 22 discipline, and move on and learn from it 23 and correct his behavior.</p>	<p style="text-align: right;">39</p> <p>1 they're assuming it relates to the fact he 2 got disciplined the day before. But there's 3 nothing in this statement that states he 4 said that he didn't believe he did wrong. 5 Q It says, Melvin then added that 6 whenever we tried to address any issues, 7 that Frank would show in his expressions and 8 actions that he was never in the wrong just 9 like he was doing now. How is that 10 different? 11 A And I -- and I -- and I believe 12 that refers to Frank is trying to say some 13 of the problems on the line are not 14 something he's responsible for. 15 Q Well, they -- he -- both Chris 16 Jordan and Melvin are referring specifically 17 to the day before when he received his 18 warning; right? 19 A They're also -- Chris starts the 20 e-mail out because Frank called him over and 21 wanted to know what was wrong with the 22 capper. So my assumption would be his 23 reference is more to Frank wants to know</p>
<p style="text-align: right;">38</p> <p>1 Q Well, it says down here, Melvin 2 then added that whenever we tried to address 3 an issue -- any issues, that Frank would 4 show in his expressions and actions that he 5 was never in the wrong just like he was 6 doing now. 7 Does that mean that he -- he had 8 expressed when he got his written warning 9 number 1 and written warning number 2 about 10 cursing females that he didn't think he had 11 done anything wrong? 12 MS. SWAIN: Objection. 13 A I wasn't in the sessions when the 14 discipline was issued so I can't answer 15 that. 16 Q Did you see Plaintiff's Exhibit 17 Number 17 to your deposition? 18 A I just read this one that you 19 just handed me. 20 Q Did you -- 21 A And it doesn't say he didn't 22 think he was wrong. It sounds like they 23 weren't happy with his carefree attitude and</p>	<p style="text-align: right;">40</p> <p>1 what Chris is going to do about the 2 mechanical problems on the capper, when in 3 reality, as a team leader, Frank has some 4 responsibilities to call maintenance. So 5 they're trying, I believe, to refer to Frank 6 has to show some responsibility for his team 7 leadership by taking action on the capper, 8 not calling over a supervisor and having a 9 carefree attitude and expecting them to do 10 it. 11 Q All right. So -- 12 A That's what I read from this 13 document, Ann. 14 Q So we -- we're clear that -- 15 that -- never mind. Okay. 16 Now, just so I -- I have this straight, 17 and I want to make sure I have it straight 18 in my mind, when Frank Williams was given 19 the warning on step one and my client was 20 sent to line five, was that the end of the 21 matter with -- that -- as far as you were 22 concerned? 23 A When Linda was initially sent to</p>

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<p style="text-align: right;">41</p> <p>1 line five, it was to separate them once the  2 investigation concluded. Once the  3 investigation concluded, it was deemed to  4 leave Linda on line five because Frank  5 cannot be moved to another line because  6 there's only one team leader position and  7 Linda had been moved prior because she had  8 problems getting along with the team on line  9 one. So Linda was told this is your chance  10 to get a fresh start.  11 Linda had problems other people on line  12 three. There was a pattern with Linda.  13 With whatever team she was on, trouble  14 seemed to brew.  15 Q All right. Let me make --  16 A So Linda is not scot-free on  17 this.  18 Q Okay.  19 A And I think you fully understand  20 that.  21 Q Okay. I -- I --  22 A So this was a chance for Linda to  23 have a clean start and work with a team</p>	<p style="text-align: right;">43</p> <p>1 in the workplace.  2 Q And what were those comments?  3 A She went out of her way to tell  4 people to get onto the website and log on  5 to -- in fact, she informed one person to  6 print it off and pass it off in the lunch  7 room about Frank Williams being a child  8 molester.  9 Q Now, that was an ongoing  10 investigation?  11 A It was -- some people came  12 forward to us because they were  13 uncomfortable because Linda was talking  14 about it that much and in situations where  15 there was no reason for it to be brought up.  16 Q Well, you understand that -- that  17 she was talking to Mike -- Mark Beard about  18 it one day when he was saying that he didn't  19 understand why Frank Williams got the team  20 leader and she was saying he talks about sex  21 to me and he's a sex offender?  22 A Mark -- Mark Beard --  23 MS. SWAIN: Objection.</p>
<p style="text-align: right;">42</p> <p>1 where she didn't have problems with other  2 people.  3 Q Well, I just want to make sure  4 that she -- was she going to be written up?  5 A No.  6 Q So --  7 A She was given a new crew to work  8 with.  9 Q So there was not a decision made  10 that when she came back to work that she was  11 going to be written up?  12 A No.  13 Q Because -- and there was not a  14 decision --  15 A Well, no.  16 Q There was not a decision made  17 that when she came back to work, that it had  18 been decided that she had been baiting Frank  19 and therefore she was going to be written  20 up; is that right?  21 A There was -- there was an  22 investigation ongoing because Linda was  23 making comments to people that didn't belong</p>	<p style="text-align: right;">44</p> <p>1 A Mark Beard wanted the team leader  2 position himself, and it was between Frank  3 and Mark and Frank was chosen. So Mark had  4 some hard feelings on why he wasn't chosen,  5 and I think some of that spilled over in  6 Mark's comments.  7 Q And you understand that -- that  8 at one point she was talking to Mark Beard  9 and he was complaining about that and she  10 was complaining about the way Frank Williams  11 behaved toward her and she said that he's a  12 child molester or a sex offender?  13 MS. SWAIN: Objection.  14 A It was more people than Frank --  15 than Mark Beard that she talked to.  16 Q Well, you understand that as a  17 matter of law, sex offenders have to be  18 posted so that people can find out about it.  19 A But is it a matter of law or is  20 it appropriate in the workplace that a  21 person goes around and unsolicited brings up  22 in conversation encouraging other people to  23 go pull up this and in fact print it out and</p>

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<p style="text-align: right;">45</p> <p>1 bring it to the workplace? I'm not a  2 lawyer, Ann, but knowing what law I know,  3 that's almost slanderous.  4 Q I believe you need to take a  5 break and you need to go talk to your lawyer  6 about the definition of slander. Slander,  7 my -- you must understand, is a -- something  8 that is spoken that is untrue.  9 A But you know, Ann --  10 Q There is an absolute defense to  11 slander that is true.  12 A -- there's no reason to bring  13 that up in the workplace.  14 Q If she believes that he's -- he's  15 sexually harassing her and that he is a --  16 A She had -- she had a format to  17 make a formal complaint.  18 MS. SWAIN: Let's stop the  19 arguing over the issue.  20 MS. ROBERTSON: Yeah. That's  21 fine. Let's take a break.  22 THE VIDEOGRAPHER: We're off the  23 record at 1:49 p.m.</p>	<p style="text-align: right;">47</p> <p>1 them.  2 Q And -- and -- and so there should  3 be evidence in the file of this  4 investigation, I take it?  5 MS. SWAIN: Objection.  6 A I would think so, but --  7 Q Okay. And where would I find the  8 evidence of the investigation?  9 A It would have been in Tommy  10 Nance's file.  11 MS. ROBERTSON: Okay. Once again  12 off the record.  13 (An off-the-record conversation was held.)  14 BY MS. ROBERTSON:  15 Q And can you tell me the employees  16 who initiated this?  17 A I can't remember the name. It  18 was -- it was female and it was a --  19 conversations that occurred out in the smoke  20 area. That's about all I can remember.  21 Q All right. Now -- now, you know  22 that -- that she was written up once before  23 about mentioning that he had -- was a sex</p>
<p style="text-align: right;">46</p> <p>1 (Whereupon, a short break  2 was taken.)  3 THE VIDEOGRAPHER: We're back on  4 the record at 2:11 p.m.  5 BY MS. ROBERTSON:  6 Q After Mr. Williams was written up  7 and given his warning and Linda Thornton was  8 sent to line five, were you and/or Tommy  9 Nance contemplating any further action on  10 that particular activity?  11 A On the -- on the Frank Williams?  12 Q Or Linda Thornton. Were you  13 going to write her up for anything?  14 A There was an investigation on  15 Linda Thornton that didn't really have  16 anything to do with Frank Williams.  17 Q Well, when was that -- when was  18 that done? When was that done?  19 A Yeah, Linda left before the  20 investigation was concluded, but it was  21 initiated, I believe, by other employees  22 coming forward and being uncomfortable in  23 conversations Linda would enter into with</p>	<p style="text-align: right;">48</p> <p>1 offender?  2 A I believe there was a write-up in  3 the spring --  4 Q I got you.  5 A -- about I think it was things  6 that were inappropriate in the workplace is  7 how it was deemed or something. I'm sure  8 you've got the write-up.  9 Q Inappropriate in the workplace?  10 A We'll get the --  11 Q Well, let me --  12 A Get the write-up --  13 Q Yeah, let me get the write-up.  14 A -- because I can't remember from  15 memory.  16 Q And while I'm looking for it, you  17 said that -- that -- that you thought Frank  18 Williams had turned his life around or --  19 A I'm not saying that. I'm saying  20 anyone who has an arrest at some point, I  21 think, has to be given the opportunity in  22 the future that their life might have  23 changed.</p>



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<p style="text-align: right;">49</p> <p>1 Q Well, I --</p> <p>2 A I don't think --</p> <p>3 Q Was it your understanding that he</p> <p>4 had just been arrested?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A No.</p> <p>7 Q He had been arrested and he had</p> <p>8 pled guilty and he had gone to prison for</p> <p>9 four years; right?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A I was aware there was a</p> <p>12 conviction.</p> <p>13 Q Were you aware that he was in</p> <p>14 prison for four years?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A I didn't delve into it.</p> <p>17 Q Were you aware that after he was</p> <p>18 released from prison, he was put on</p> <p>19 probation to run to 2001?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I didn't look into the details of</p> <p>22 it, Ann.</p> <p>23 Q And were you aware that in 1998</p>	<p style="text-align: right;">51</p> <p>1 on new employees; is that right?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 A And Frank was hired before I</p> <p>4 came, Ann.</p> <p>5 Q But weren't you -- wasn't that</p> <p>6 one of the reasons you said you were hired,</p> <p>7 to make sure background checks were being</p> <p>8 done?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A When I came down there in July of</p> <p>11 2004, Glen Warren and myself were brought</p> <p>12 there and part of what we were asked to do</p> <p>13 is put policies and procedures in place</p> <p>14 consistent with the other plants, which</p> <p>15 hiring with background checks was part of</p> <p>16 it. But we didn't go back to all the</p> <p>17 employees that were currently hired and do</p> <p>18 retro back -- background checks.</p> <p>19 Q But tell me, if -- if -- if you</p> <p>20 will, what is the purpose of doing a</p> <p>21 background check before you hire somebody at</p> <p>22 Flavor House?</p> <p>23 A Because we have a practice of not</p>
<p style="text-align: right;">50</p> <p>1 after he had been out of prison for two</p> <p>2 years, his probation officer moved to revoke</p> <p>3 his probation because he was having sex with</p> <p>4 a 15 year old when he was 26?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I was unaware of that, Ann.</p> <p>7 Q Did you know that he had a baby</p> <p>8 by the woman that he -- 15 year old that he</p> <p>9 was having sex with?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A I was not aware of that either.</p> <p>12 Q Did you know he married her and</p> <p>13 her name was Ronnie?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A I wasn't aware of that. I don't</p> <p>16 look into the personal life of every</p> <p>17 employee.</p> <p>18 Q Well, as -- as I recall, when --</p> <p>19 when I took your deposition last time, you</p> <p>20 told me one of the reasons that -- that you</p> <p>21 were hired and sent to Dothan was to make</p> <p>22 sure that people were complying with the</p> <p>23 procedures such as doing background checks</p>	<p style="text-align: right;">52</p> <p>1 hiring felons.</p> <p>2 Q A practice of not hiring felons?</p> <p>3 A Since we put that practice in</p> <p>4 place. And it was not in place when Frank</p> <p>5 was hired because that was prior to us</p> <p>6 putting it in place.</p> <p>7 Q Okay. Well, tell me what the --</p> <p>8 why the practice of not hiring felons is in</p> <p>9 place now.</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A It's just a corporate policy.</p> <p>12 Q Is one of the reasons that felons</p> <p>13 are believed to potentially not be truthful?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A It's a corporate policy, Ann.</p> <p>16 That's about the only answer I can give you</p> <p>17 for that.</p> <p>18 Q And you have no idea why they</p> <p>19 have the policy, even though they sent you</p> <p>20 down to see that it was enforced?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A Ann, I don't sit and question</p> <p>23 everything. I try to do what the corporate</p>

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<p style="text-align: right;">53</p> <p>1 requires me to do.</p> <p>2 Q Well, if -- when you became aware</p> <p>3 that Mr. Williams was a convicted felon, did</p> <p>4 you ask Mr. Nance to run a background check</p> <p>5 on him then?</p> <p>6 A I don't remember that.</p> <p>7 Q Did you call anybody in corporate</p> <p>8 and say, We have a fellow working here</p> <p>9 that's in violation of our current policy.</p> <p>10 What should I do?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 A He was hired before that policy</p> <p>13 was in place, though. We were not sent down</p> <p>14 here to do background checks on all current</p> <p>15 employees and terminate anybody based on a</p> <p>16 background check retro their hiring.</p> <p>17 Q Even if it turned out that there</p> <p>18 were people that were uncomfortable with his</p> <p>19 background and that he -- that they were</p> <p>20 afraid of him because of his background?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A We took any complaint and took it</p> <p>23 through its due process, Ann.</p>	<p style="text-align: right;">55</p> <p>1 A It is a corporate policy and I</p> <p>2 abide by the corporate policies, Ann.</p> <p>3 Q And you don't have any idea why</p> <p>4 the policy exists?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A We do a lot of things to try to</p> <p>7 retain a good work force.</p> <p>8 Q My question is, do you have any</p> <p>9 understanding of why the policy exists?</p> <p>10 A No more than what I've already</p> <p>11 told you, Ann. It exists because people at</p> <p>12 corporate deemed it was a good guideline to</p> <p>13 try to follow.</p> <p>14 Q Okay. But you don't know why</p> <p>15 they deemed it a good guideline?</p> <p>16 A Not exactly, no.</p> <p>17 Q Were you -- was Mr. Williams</p> <p>18 asked to resign because he was a convicted</p> <p>19 child molester?</p> <p>20 A No.</p> <p>21 Q Why was he asked to resign?</p> <p>22 A He was asked to resign because it</p> <p>23 was deemed he did put back at the point he</p>
<p style="text-align: right;">54</p> <p>1 Q Let me ask you something. You</p> <p>2 said that my client was passing around at</p> <p>3 the workplace things that came off the</p> <p>4 website about Mr. Williams. Is that right?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A No. She encouraged someone to</p> <p>7 print it off and bring it in to work and</p> <p>8 pass it around.</p> <p>9 Q And you didn't say that she also</p> <p>10 was passing it around herself?</p> <p>11 A No.</p> <p>12 Q Did you in fact go on the website</p> <p>13 to see what in fact was on the website?</p> <p>14 A No, I personally did not.</p> <p>15 Q Okay. And as you sit here today,</p> <p>16 you have no -- no understanding at all of</p> <p>17 why the corporate policy exists not to hire</p> <p>18 convicted felons; is that right?</p> <p>19 MS. SWAIN: Objection. She's</p> <p>20 already answered that question.</p> <p>21 MS. ROBERTSON: I just want to</p> <p>22 make sure I -- she has no understanding</p> <p>23 at all.</p>	<p style="text-align: right;">56</p> <p>1 was hired that he was a felon but he didn't</p> <p>2 state the severity of the felony, number</p> <p>3 one. Number two, when he was asked about</p> <p>4 his prior convictions, he was not truthful</p> <p>5 in that investigation.</p> <p>6 Q He lied; is that right?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A In that particular setting, yes,</p> <p>9 Ann.</p> <p>10 Q When did he lie about that?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 A It was right before he was</p> <p>13 released.</p> <p>14 Q So who asked him about that?</p> <p>15 A Dee Lake.</p> <p>16 Q Dee Lake. Is that her right</p> <p>17 here?</p> <p>18 A Uh-huh. That's Dee.</p> <p>19 Q And is that the first time anyone</p> <p>20 asked him about that?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A That I'm aware of.</p> <p>23 MS. ROBERTSON: What have I done</p>

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<p style="text-align: right;">57</p> <p>1 with my documents, the ones that were 2 from yesterday? There they are. 3 Q Tell me, if you will, what 4 precipitated Dee Lake asking him that. 5 MS. SWAIN: Objection. 6 A I don't really remember exactly, 7 Ann. 8 Q Did it have anything to do with 9 the lawsuit? 10 A I don't know -- I don't know if 11 it's a EEOC case or what. Dee had just come 12 on board. She was fairly new. Some 13 discussion came up. 14 Q Was -- did you -- did -- when the 15 EEOC charge came, did you ask Mr. -- 16 Mr. Williams anything about his felony 17 background then? 18 A I wasn't directly involved in the 19 EEOC case. 20 Q Okay. 21 A I don't know what you want me to 22 do with that. 23 (Plaintiff's Exhibit Number</p>	<p style="text-align: right;">59</p> <p>1 cursing subordinates? 2 MS. SWAIN: Objection. 3 A I -- I think what you see here, 4 Ann, is when he had those write-ups in his 5 file, that was '06 and there was a temporary 6 supervisor job awarded in the fall of '06 7 which Frank did not get because he had 8 disciplinary actions in his file. This was 9 awarded in the following year. And as I 10 told you earlier, disciplinary actions fall 11 off after a year so -- 12 Q Yes. 13 A -- when they hit their year 14 anniversary date -- so at the point he would 15 have interviewed for this one, the 16 disciplinary actions would have dropped off. 17 Q Oh, really? I thought he got his 18 second warning on August the 1st, did he 19 not? 20 A But the first one would have 21 dropped off because -- 22 Q Well he -- he -- 23 A -- it's June.</p>
<p style="text-align: right;">58</p> <p>1 18 was marked and attached to the 2 deposition.) 3 BY MS. ROBERTSON: 4 Q I -- I will show you. 5 Plaintiff's Exhibit Number 18, what is that, 6 please, ma'am? 7 A It appears to be a document that 8 shows the different job bids and any 9 compensation changes that would have 10 occurred with Frank Williams. 11 Q And -- and who made the decision 12 to make Frank Williams a temporary 13 supervisor in July of '07? 14 A The temporary supervisor 15 position -- I think we went over this the 16 first time -- is for gift pack, which is a 17 seasonal business, and so it only runs a 18 couple months out of the year. And when 19 that opportunity comes up, people bid on it 20 and the supervisors do an interview process. 21 Q All right. And -- and are you 22 given a supervisor position if you have 23 write-ups and warnings in your file for</p>	<p style="text-align: right;">60</p> <p>1 Q He still had a second warning for 2 cursing a female on August the 1st of '06 3 within the year; correct? 4 MS. SWAIN: Objection. 5 A But I believe Frank went 6 incident-free of anything for that entire 7 year. 8 Q Oh. Well, what about Plaintiff's 9 Exhibit Number 17, where the day after he 10 got the incident he was -- he was having to 11 be corrected? 12 MS. SWAIN: Objection. 13 Q When he was taking an attitude 14 like he never did anything wrong and 15 wouldn't take ownership of problems? 16 A We -- we talked about this right 17 before the break, and this is in reference 18 to Frank wanting Chris to correct things 19 instead of Frank taking it on himself. 20 Q And it was -- it was a problem 21 with his leadership that occurred a day 22 after a write-up; correct? 23 MS. SWAIN: Objection.</p>



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<p style="text-align: right;">61</p> <p>1 A Five days away from being a year 2 old from the point he's awarded that and he 3 would go back into supervision. And I 4 wasn't part of the team that awarded him the 5 bid, but they wouldn't have done it if he 6 wouldn't have demonstrated better 7 performance before that. 8 Q But which is it? Does it roll 9 off after a year or does it just -- they can 10 decide whatever they want to? 11 MS. SWAIN: Objection. 12 A It rolls off after a year. 13 Q All right. So he had at least 14 one major disciplinary in his file short of 15 a year before he was made a temporary 16 supervisor; is that -- is that correct? 17 A He would have one step. 18 Q Well, just how many times do 19 you -- does a team leader get to curse 20 female subordinates before he is considered 21 not supervisory material? 22 MS. SWAIN: Objection. 23 A You know, profanity is a</p>	<p style="text-align: right;">63</p> <p>1 Mr. Nance and he's copying Ricky and Melvin. 2 Q You said you didn't have any role 3 in the -- in responding to the EEOC charge. 4 Did you see the EEOC charge at any time? 5 A Yes. I believe it was mailed 6 directly to me because I'm plant director. 7 And then when I get those, I pass them on to 8 HR. 9 Q To Tommy Nance? 10 THE WITNESS: Was it Tommy or 11 you, Dee? 12 A I think it might have been Dee. 13 Q All right. And -- and then what 14 happens to it? 15 A They basically work with 16 corporate legal and -- to make sure that 17 they draft the reply and get it submitted. 18 Q What exactly is a coaching 19 session -- session? 20 A A coaching session, when you sit 21 down and you talk with somebody. 22 (Plaintiff's Exhibit Number 23 19 was marked and attached to the</p>
<p style="text-align: right;">62</p> <p>1 violation of the policy whether you're a 2 team leader or anybody else, Ann. And I 3 don't think there's a difference between 4 profanity being used on a male or a female. 5 Q Well, never mind. We talked 6 about that last time. Tell me exactly what 7 the little things like Plaintiff's Exhibit 8 Number 17 are. 9 A Well, it's an e-mail, a 10 printed-out e-mail. 11 Q Well, I -- but if it's put in 12 your personnel file? 13 A Tommy Nance had instructed or 14 encouraged or allowed -- I'm not sure which 15 would be the right verb -- that if they 16 wanted Tommy to be aware of something and 17 sometimes they don't cross paths, especially 18 for the off-shift supervisor, that they just 19 shoot him an e-mail. 20 Q Do you see where Mr. Williams is 21 -- oh. So Mr. Nance is -- is -- is made 22 aware of it; is that right? 23 A Yeah. Chris is sending this to</p>	<p style="text-align: right;">64</p> <p>1 deposition.) 2 BY MS. ROBERTSON: 3 Q All right. I'll show you what's 4 been marked as Plaintiff's 19. And it looks 5 like that -- that Frank Williams had a 6 coaching session in May of '07. Does that 7 have any effect on his being selected as a 8 supervisor two months later? 9 MS. SWAIN: Objection. 10 A Sometimes it -- and, you know -- 11 and this is what I read into this. 12 Sometimes a coaching session is to say I 13 want to make sure you understand these are 14 the priorities. It almost sounds like he 15 was trying to start up blind and he was 16 putting the paperwork in a different 17 priority position. They're saying no. Do 18 the paperwork and they're just telling him 19 -- 20 (Plaintiff's Exhibit Number 21 20 was marked and attached to the 22 deposition.) 23</p>

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<p style="text-align: right;">65</p> <p>1 BY MS. ROBERTSON:  2 Q Plaintiff's Exhibit Number 15,  3 what do you make of that? That -- that's an  4 October of 2006 --  5 A This -- this is 20.  6 Q Plaintiff's Exhibit Number 20 to  7 your deposition.  8 MS. SWAIN: What was -- I'm  9 sorry. What was the question?  10 MS. ROBERTSON: I'm asking her  11 what that is because she said that  12 Mr. Williams' record was clean from  13 August of '01 until he was made  14 temporary supervisor. And it looks like  15 to me that in October of '06 he had some  16 kind of coaching or something.  17 MS. SWAIN: I'm going to object  18 to the characterization of this, of her  19 testimony.  20 MS. ROBERTSON: Well, okay.  21 Whatever. I just want to make sure I  22 understand the -- the status of this  23 stellar employee.</p>	<p style="text-align: right;">67</p> <p>1 to be written up for anything should she  2 have returned to work after she -- after she  3 was sent to line five?  4 MS. SWAIN: Objection. Stop for  5 a minute, if you would. And this is  6 like the third or fourth time --  7 MS. ROBERTSON: Well, she never  8 answered. She said there --  9 MS. SWAIN: She's under  10 investigation.  11 MS. ROBERTSON: -- was an  12 investigation. Well, okay.  13 MS. SWAIN: And she left before  14 they could conclude it, so, I mean,  15 that's the answer.  16 A That's the answer.  17 Q And -- and -- and did it have  18 anything to do her baiting Frank Williams?  19 A There were complaints from other  20 employees that they felt uncomfortable  21 that -- the discussions Linda was entering  22 in with them regarding Frank.  23 Q And what were these discussions</p>
<p style="text-align: right;">66</p> <p>1 A Yeah, when we --  2 MS. SWAIN: Objection.  3 A When we don't award people bids  4 or don't allow them to be candidates for  5 jobs, we base it on formal documentation,  6 not coaching.  7 Q I see. So you don't -- you don't  8 pay any attention to these coaching  9 sessions?  10 A Sure, we pay attention to  11 coaching sessions but, you know, what would  12 be relevant is how many other people might  13 have had coaching sessions similar to  14 Frank's. And they're not considered  15 disciplinary.  16 Q I got you.  17 A We tend to like to coach our  18 people. They's how they improve their  19 performance. Coaching is a more positive  20 approach to get people to elevate their  21 behavior.  22 Q Now, I still want to make sure  23 I'm clear on this. Was Linda Thornton going</p>	<p style="text-align: right;">68</p> <p>1 supposed to be?  2 A It was around his previous  3 conviction. And they were brought up in  4 venues that people felt they didn't want to  5 hear it. They didn't want to have to listen  6 to it.  7 Q And -- and you don't have any  8 memory of the people's names?  9 A I can't remember the exact name,  10 but it was female and it was in the smoking  11 area.  12 Q And there's no -- and there's no  13 documentation?  14 A You know, there is a document  15 somewhere.  16 Q Okay. Well, I want to stop this  17 deposition and I want you to find it  18 before -- oops -- before I finish it.  19 MS. SWAIN: Ann, we're not -- we  20 don't need to stop the deposition. We  21 have searched for the document. They  22 have searched for the document. It --  23 we cannot find any such document so, I</p>

17 (Pages 65 to 68)



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<p style="text-align: right;">69</p> <p>1 mean, if you want to --</p> <p>2 MS. ROBERTSON: Well, the reason</p> <p>3 I -- I say is Tommy Nance testified</p> <p>4 under oath that had my client returned</p> <p>5 to work, she was going to be written up.</p> <p>6 MS. SWAIN: But you're going</p> <p>7 to --</p> <p>8 MS. ROBERTSON: -- because of</p> <p>9 this incident.</p> <p>10 MS. SWAIN: -- with Tommy next</p> <p>11 month so you can certainly talk to him</p> <p>12 about it.</p> <p>13 MS. ROBERTSON: Which, of course,</p> <p>14 proves just what I have always --</p> <p>15 that -- my client said that anytime she</p> <p>16 complained she was gotten in trouble for</p> <p>17 it.</p> <p>18 MS. SWAIN: Okay. Well, and</p> <p>19 again, you can question Tommy about that</p> <p>20 when you -- when you take his</p> <p>21 deposition.</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q And -- was it --</p>	<p style="text-align: right;">71</p> <p>1 A I know she took points and then</p> <p>2 she just didn't come back.</p> <p>3 Q All right. Well --</p> <p>4 A But that's -- that's not a leave.</p> <p>5 Q Well, when she missed the days</p> <p>6 after -- when she left when she was upset,</p> <p>7 was she going to be written up if she had</p> <p>8 come back on that Monday?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A I think you need to ask Tommy</p> <p>11 that question. I know there was an</p> <p>12 investigation.</p> <p>13 Q Okay. And had -- do you know if</p> <p>14 my client had been informed of the</p> <p>15 investigation?</p> <p>16 A I'm not aware if she had or not.</p> <p>17 Q Isn't it part of the</p> <p>18 investigation to take a statement from the</p> <p>19 alleged doer, if you will?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A It would be. And perhaps Tommy</p> <p>22 would have done that if she would have</p> <p>23 returned. You'll have to ask Tommy that</p>
<p style="text-align: right;">70</p> <p>1 A You might flip it out.</p> <p>2 Q Was it ever about the time</p> <p>3 that -- that my client took leave that she</p> <p>4 was going to be written up?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I don't remember your client</p> <p>7 taking leave. She --</p> <p>8 Q Or that she -- that she had sick</p> <p>9 leave and then she didn't come back; right?</p> <p>10 A She -- I don't think she took</p> <p>11 sick leave.</p> <p>12 Q Or that she was sick. She did --</p> <p>13 she missed a few days --</p> <p>14 A Linda left on a Friday. She</p> <p>15 wanted to quit. We gave her her -- I handed</p> <p>16 her badge back, instructed her she needed to</p> <p>17 settle down, try to calm down and think</p> <p>18 about, and then Linda never came back to</p> <p>19 work.</p> <p>20 Q Okay. Do you know --</p> <p>21 A She just --</p> <p>22 Q -- if she called in and she was</p> <p>23 sick?</p>	<p style="text-align: right;">72</p> <p>1 question.</p> <p>2 Q So he -- if he said under oath</p> <p>3 that he was going to write her up if she had</p> <p>4 returned, he was going to write her up</p> <p>5 without taking a statement from her; is that</p> <p>6 right?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A You'll have to ask Tommy these</p> <p>9 questions, Ann. I can't speak for Tommy.</p> <p>10 Q Was -- was my client upset when</p> <p>11 she came in on Friday and gave her badge to</p> <p>12 y'all?</p> <p>13 A Yes, she was.</p> <p>14 Q Why was she upset?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A She --</p> <p>17 Q Or what did she say was why she</p> <p>18 was upset?</p> <p>19 A If I remember correctly, she said</p> <p>20 she couldn't work with Frank Williams. We</p> <p>21 said, You're not working with Frank. You're</p> <p>22 on line five. We said, We've separated you</p> <p>23 and Frank. She wanted to know why she was</p>

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<p style="text-align: right;">73</p> <p>1 on line five. I believe that's when I 2 talked to her about Linda, this gives you a 3 whole new team to work with, you know. You 4 need to get out there and prove you're a 5 valuable asset to this team and you've got a 6 whole new group of people to work with. And 7 that's the key points, I guess, I remember 8 from it. 9 Q Well, was there some -- did you 10 have some doubt that she was a valuable 11 asset? 12 A I did point out to Linda that she 13 had been on line one when I first came there 14 and Linda and some other employees had 15 frequent conflicts, Kim Perkins in 16 particular. And then when we moved Linda to 17 line three, there was conflicts and not only 18 with Frank Williams, with some other 19 employees. So Linda, in her personality, I 20 think her intentions were good, just tended 21 to rub people the wrong way. 22 Q Who -- who were the people that 23 she had a conflict with on line three? Was</p>	<p style="text-align: right;">75</p> <p>1 disagreements and not get along and -- 2 Q So -- so she was going to be 3 written up when she complained about Kim 4 Perkins; is that right? 5 MS. SWAIN: Objection. That's 6 not what her testimony was. 7 A That wasn't what I said. 8 Q All right. Well, other people 9 had trouble with Kim Perkins; correct? 10 A Yes. 11 Q All right. And as I understand 12 it, that -- there was -- Frank Williams had 13 trouble with Kim Perkins; right? 14 MS. SWAIN: Objection. 15 A I don't directly remember that 16 one. 17 Q Okay. Well -- so -- but you're 18 attributing the problem to Linda Thornton; 19 is that right? 20 A There was a pattern, it appeared. 21 I mean, if you could keep one thing constant 22 with a team -- because when Linda left line 23 one, even though Kim Perkins remained there,</p>
<p style="text-align: right;">74</p> <p>1 she written up for any of these conflicts? 2 A I can't remember. And the one 3 lady is now out for cancer. But a filler 4 operator. There were other people that -- 5 Q Well, was -- was any 6 investigation done about -- around these 7 other conflicts? 8 A Yes, there was. 9 Q All right. So they would be in 10 these papers that I have? 11 MS. SWAIN: Objection. 12 A If a disciplinary action wasn't 13 written, I -- you might not be able to trace 14 back to it. I don't know how you would. 15 Q Well, I mean, what do you mean by 16 conflicts because I've -- the only conflict 17 I've seen about Kim Perkins was Kim Perkins 18 was written up for -- for cursing somebody 19 else. 20 A Linda herself came up into my 21 office and complained about Kim Perkins -- 22 Q Well, so -- 23 A -- because her and Kim would have</p>	<p style="text-align: right;">76</p> <p>1 there seemed to be less conflict on the team 2 when it was Kim and the rest of the people. 3 So there was a little bit of a pattern, and 4 I told Linda that. And I said, Linda, this 5 is your chance to really show people that 6 that pattern doesn't resolve around you. 7 Q Well, did you tell Jonnie that 8 too when she came less than a month late -- 9 or just a little over a month later and said 10 that Frank was doing the same thing to her 11 that my client had complained about? 12 MS. SWAIN: Objection. 13 A Jonnie's a very soft-spoken 14 person and I don't have any recollection of 15 anybody having conflict with Jonnie 16 Nickerson. 17 Q And yet Frank Williams did the 18 same thing to her that he did -- that my 19 client complained of; correct? 20 MS. SWAIN: Objection. 21 A Frank Williams has a document in 22 his file -- we've reviewed it -- that 23 relates to Jonnie. But did Jonnie have a</p>

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<p>77</p> <p>1 pattern of conflict with other people like 2 Linda? I think that's what you asked me. 3 The answer is no. 4 Q Well, I'm just trying -- make 5 sure I -- I want to understand was Linda 6 going to be disciplined for what happened 7 when -- concerning this incident? 8 MS. SWAIN: Objection. Don't -- 9 don't answer that. We've -- she's asked 10 -- answered the question like five 11 different times. 12 MS. ROBERTSON: Okay. I'm 13 finished with her. I'm finished with 14 her. Take her away. 15 THE VIDEOGRAPHER: The deposition 16 is over at 2:36 p.m. 17 DEPOSITION CONCLUDED 18 19 20 21 22 23</p>	
<p>78</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA: 4 COUNTY OF BUTLER: 5 6 I hereby certify that the above and 7 foregoing deposition was taken down by me in 8 stenotype and the questions and answers 9 thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am neither of 15 counsel, nor of kin to the parties to the 16 action, nor am I in anywise interested in 17 the result of said cause. 18 19 20 RENNY MCNAUGHTON 21 Certified Court Reporter 22 License Number: ACCR #:411 23</p>	

20 (Pages 77 to 78)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

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**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

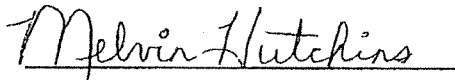
## MEMORANDUM

**DATE:** June 16, 2006  
**TO:** Frank Williams  
**FR:** Melvin Hutchins  
**RE:** **Written Counseling – 1<sup>st</sup> Step**

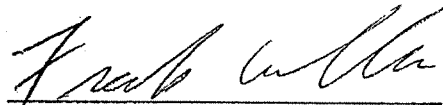
**INCIDENT  
OCCURRED ON  
06/14/06**

On June 14, 2006 you used profanity in the presence of other co-workers. *This is a violation of plant work rule #16, fighting, threatening, intimidating, coercing, interfering with fellow associates, or any other acts of violence on company property.*

Failure to follow the company policy has resulted in you receiving this **1<sup>st</sup> Step – Written Counseling**. Any future violations will result in additional disciplinary action up to and including termination



Melvin Hutchins  
Production Manager



Frank Williams  
(Signature acknowledges  
Receipt of this document  
only.)

**PLAINTIFF'S  
EXHIBIT**  
Boyer 13

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FH000799



(72)

### DOCUMENTATION FORM

Employee Name: Frank Williams

Investigating Supervisor: Chris Jordan / Frank Eugene Date: 7-27-06

Present: \_\_\_\_\_

Who was involved: Jennie Nickerson

Witness (s): \_\_\_\_\_

Date of incident: 7-27-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): \_\_\_\_\_

What happened: The label machine was messing up  
really bad. Me & Bruce was working on it  
I turned around and asked Jennie to help with  
the rework that was bad labels she told me  
to hold up so I asked her to please go  
and help. I seen that she was way  
behind on her label checklist sheet  
so I left it alone. I explained  
to her that to keep the label machine

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

**PLAINTIFF'S  
EXHIBIT**

Boyer 14

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FH000812

running. She would have to push the table  
and help keep the Cans running. She told me that  
she could not do more than one thing at a time ~~and~~  
~~and~~ I explained that it would help. But she will not  
do it. It has cause a lot of problems with the table  
staying full. A lot of the problems I am having  
with my Employees is. My Supervisor tell me  
to tell them something to do I tell them and  
if they don't like it they turn around and  
tell something on me because I told them to do  
their job. So I get in ~~trouble~~ trouble

DOCUMENTATION FORM

Employee Name: Jonnie Nickerson

Investigating Supervisor: Chris Jordan / Eugene Date: 7-27-06

Present: \_\_\_\_\_

Who was involved: Frank Williams

Witness (s): No witness as far as she knows.

Date of incident: 7-27-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): 9:40am.

\*What happened: Jonnie N. was on the label machine and Frank W. came out on the line and ~~said~~ <sup>said</sup> to me over time I come back the ~~label~~ <sup>label</sup> machine is fuck up and saying is to me I told him I didn't put my hand on the label machine

PLAINTIFF'S  
EXHIBIT  
Boyer  
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Did this result in down time? no If yes how much?

Did this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.

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FH000810

\* He will not let her make any adjustments.

\* Just wants her to load labels.

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FH000811


## MEMORANDUM

DATE: August 1, 2006  
TO: Frank Williams  
FR: Tommy Nance  
RE: 2<sup>nd</sup> Step – Written Warning

INCIDENT  
OCCURRED ON  
7/27/06

On July 27, 2006, there was an incident involving yourself and another employee. You acted in a way not consistent with the expectations of a Team Leader. You must learn to control your temper and direct the employees on the line without displaying actions that could be construed as rude, intimidating, or disrespectful. In order to remain in the Team Leader position, we must see improvement in your employee relations skills.

Failure to follow the company policy has resulted in you receiving this **Written Warning – 2<sup>nd</sup> Step**. Any future violations will result in additional disciplinary action up to and including termination.

  
Tommy Nance

Human Resources Manager

  
Frank Williams

(Signature acknowledges  
Receipt of this document  
only.)

PLAINTIFF'S  
EXHIBIT

Boyer 16

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FH000809



file



Christopher J.  
Jordan/NC/Ralcorp  
08/02/2008 03:08 PM

To Thomas A. Nance/NC/Ralcorp@RALCORP  
cc Ricky L. Smothers/NC/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

This morning before 7:00 a.m., Eugene Andrews told me on the radio that Frank Williams needed to see me. I walked down to line 3 and he asked what I was doing about a capper on line 3. The question was not the issue but the expression and carefree attitude in which it was asked. Also, I asked him why he didn't have his radio and with the same attitude he said I'm on the label machine.

At this point it appeared that the issues addressed the previous day were an issue today. I asked Melvin Hutchins to meet with us to bring this out in the open. When I addressed them with Frank Williams he had excuses and reasons for everything. I explained to Frank that whatever happened yesterday did not need to reflect on his work today. Again, Frank explained that I was mistaken.

Melvin then added that whenever we tried to address any issues that Frank would show in his expressions and actions that he was never in the wrong just like he was doing now. He also added that we are trying to help him but he has to take ownership of the problems and show some improvement.

**PLAINTIFF'S  
EXHIBIT**

Boyer

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FH000866

EMPLOYEE # \_\_\_\_\_

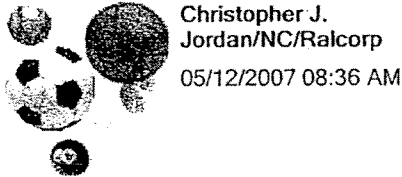
PAN #	DATE	ACTION	RATE
	09/25/00	NEW HIRE	\$8.50/HR.
	10-1-01	Increase	8.67
	11/5/01	Increase	9.00
	5/27/02	INCREASE	9.50
	9/30/02	Annual Increase	9.79
	<del>09/20/02</del>	<del>Increase</del>	<del>10.00</del>
	1-27-03	INCREASE	10.25
	6-23-03	INCREASE	10.75
	9/29/03	Increase	11.07
	5/31/04	Increase	11.70
	8/22/05	Job bid - Roaster Opr.	11.85
	10/10/05	Transfer to Temp. Supv.	14.42
	11/28/05	Job Bid - Team Leader	12.50
	7/23/07	Temp. Supv.	14.86

**PLAINTIFF'S EXHIBIT**

Bayer 18

**PLAINTIFF'S  
EXHIBIT**

Bayer 18



Christopher J.  
Jordan/NC/Ralcorp  
05/12/2007 08:36 AM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Deanna M. Lake/BR/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

Please place in his file as a coaching session:

I had a discussion with Frank Williams on May 11, 2007. The following issues were addressed:

- As a team leader he is responsible for the line starting up in the morning. When he is running a piece of equipment such as the label machine or filler he is responsible for all paperwork for the job he is doing no matter what else may come up while setting up the line. Yesterday he was trying to start up the line and run the label machine. When I came around to pick up the equipment checklist for line 2 label machine he did not have it completed.

If you have any questions please let me know.

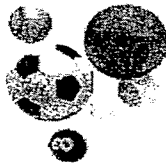
If you are not the intended addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to internet email for messages of this kind.

**PLAINTIFF'S  
EXHIBIT**

Bayer 19

CONFIDENTIAL

FH000832

 Christopher J.  
Jordan/NC/Ralcorp  
10/26/2006 04:32 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

Please place in personnel file:

On Tuesday, October 24, 2006 I had a meeting with Frank Williams. During this meeting I discussed how it appeared he had no sense of urgency. I explained that he needed to put on his radio first thing in the morning and notify everyone of what is happening on line 3. This would keep everyone informed and we would know that he is aggressively working on the problems. He stated that he could not wear his radio first thing in the morning because they were locked up in the production office. I instructed him to keep one in the processing supervisors office because they come in the same time he does and this would eliminate that problem.

**PLAINTIFF'S  
EXHIBIT**

Boyer  
20

CONFIDENTIAL

FH000864

**FREEDOM COURT REPORTING**

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 RICKY SMOTHERS</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 May 12, 2008</p> <p>23 Dothan, Alabama</p>	<p>1 Robertson the original transcript of the</p> <p>2 oral testimony taken the 12th day of May,</p> <p>3 2008, along with exhibits.</p> <p>4 Please be advised that this is the</p> <p>5 same and not retained by the Court Reporter,</p> <p>6 nor filed with the Court.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
2	4
<p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Ricky</p> <p>5 Smothers, may be taken before Renny D.</p> <p>6 McNaughton, Court Reporter and Notary</p> <p>7 Public, State at Large, at the offices of</p> <p>8 Bobbie Crook, Dothan, Alabama, on the 12th</p> <p>9 day of May, 2008, commencing at</p> <p>10 approximately 1:00 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that it shall not be necessary for any</p> <p>13 objections to be made by counsel to any</p> <p>14 questions, except as to form or leading</p> <p>15 question and that counsel for the parties</p> <p>16 may make objections and assign grounds at</p> <p>17 the time of trial or at the time said</p> <p>18 deposition is offered in evidence, or prior</p> <p>19 thereto.</p> <p>20 In accordance with Rule 5(d) of the</p> <p>21 Alabama Rules of Civil Procedure, as</p> <p>22 amended, effective May 15, 1988, I, Renny D.</p> <p>23 McNaughton, am hereby delivering to Ms.</p>	<p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Robertson 9</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 No. 1 39</p> <p>7 No. 2 45</p> <p>8 No. 3 53</p> <p>9 No. 4 53</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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**367 VALLEY AVENUE**  
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<p>5</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE DEFENDANT (S):</p> <p>4 Jennifer F. Swain</p> <p>5 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>6 Berkowitz, PC</p> <p>7 Wachovia Tower, 420 North Twentieth Street,</p> <p>8 Suite 1600</p> <p>9 Birmingham, Alabama 35203-5202</p> <p>10 205-328-0480</p> <p>11</p> <p>12 FOR THE PLAINTIFF (S):</p> <p>13 Ann C. Robertson</p> <p>14 Temple D. Trueblood</p> <p>15 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>16 The Kress Building</p> <p>17 301 Nineteenth Street North</p> <p>18 Birmingham, Alabama 35203</p> <p>19 205-314-0500</p> <p>20 Also Present:</p> <p>21 Linda Thornton</p> <p>22 Dee Lake</p> <p>23</p>	<p>7</p> <p>1 May 12, 2008, in the law office of</p> <p>2 Bobbie S. Crowe.</p> <p>3 Would counsel please identify</p> <p>4 yourself and state whom you represent.</p> <p>5 MS. ROBERTSON: My name is Ann</p> <p>6 Robertson and I represent the plaintiff,</p> <p>7 Linda Thornton, who needs to be in here.</p> <p>8 She doesn't even -- I guess we didn't</p> <p>9 tell her to come in here. Excuse me.</p> <p>10 MS. TRUEBLOOD: My name is Temple</p> <p>11 Trueblood. I represent the plaintiff,</p> <p>12 Linda Thornton.</p> <p>13 MS. SWAIN: My name is Jennifer</p> <p>14 Swain. I represent the defendant,</p> <p>15 Flavor House.</p> <p>16 THE VIDEOGRAPHER: Would the</p> <p>17 reporter please swear in the witness.</p> <p>18 (Witness Sworn.)</p> <p>19 THE COURT REPORTER: Usual</p> <p>20 stipulations?</p> <p>21 MS. SWAIN: We would like to read</p> <p>22 and sign.</p> <p>23 MS. ROBERTSON: Yeah. And let</p>
<p>6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 1:00</p> <p>10 p.m. on the 12th day of May, 2008, Ricky</p> <p>11 Smothers, witness in the above cause, for</p> <p>12 oral examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This begins</p> <p>16 videotape one in the deposition of Ricky</p> <p>17 Smothers in the matter of Linda Thornton</p> <p>18 versus Flavor House Products, Inc., and</p> <p>19 Frank D. Williams, Jr., Case</p> <p>20 107CV-712-WKW in the court of U.S.</p> <p>21 District Court for the Middle District</p> <p>22 of Alabama, Southern Division. We are</p> <p>23 on record at 1:05 p.m. on Monday,</p>	<p>8</p> <p>1 me -- I don't -- I think we've already</p> <p>2 said this, but can we have an agreement</p> <p>3 that -- I may ask a little bit of his</p> <p>4 kinship, but instead of us going through</p> <p>5 all of his kinfolks, if we get to the</p> <p>6 point of trial that we'll exchange</p> <p>7 anybody who's going to be witnesses'</p> <p>8 kinfolks, their spouse, and where</p> <p>9 they -- where they work?</p> <p>10 MS. SWAIN: Yes. We can have</p> <p>11 that agreement.</p> <p>12 MS. ROBERTSON: As I say --</p> <p>13 MS. SWAIN: So we don't have to</p> <p>14 spend half --</p> <p>15 MS. ROBERTSON: Yeah. I mean, I</p> <p>16 may want to know some of his kinfolks,</p> <p>17 but I don't --</p> <p>18 MS. SWAIN: That's fine.</p> <p>19 RICKY SMOTHERS,</p> <p>20 being first duly sworn, was examined and</p> <p>21 testified as follows:</p> <p>22 EXAMINATION</p> <p>23</p>

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<p>9</p> <p>1 BY MS. ROBERTSON:</p> <p>2 Q Would you state your full name,</p> <p>3 please, sir?</p> <p>4 A Ricky Lee Smothers.</p> <p>5 Q And where do you work, Mr.</p> <p>6 Smothers?</p> <p>7 A BFG Dothan.</p> <p>8 Q And is -- is that Flavor House?</p> <p>9 A Yes, it is.</p> <p>10 Q And how long have you worked</p> <p>11 there, please, sir?</p> <p>12 A 22 years.</p> <p>13 Q Do you mind giving me your</p> <p>14 address?</p> <p>15 A It's 108 Paul Revere Run, Dothan,</p> <p>16 Alabama 36305.</p> <p>17 Q And you said you've worked at --</p> <p>18 at Flavor House for 22 years?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Can you give me a rundown of the</p> <p>21 jobs you held from beginning to -- to as we</p> <p>22 sit here today?</p> <p>23 A Yeah. I started as an</p>	<p>11</p> <p>1 A She's the plant director of</p> <p>2 operations or director of the operations, I</p> <p>3 believe, is the title.</p> <p>4 Q And who had been acting -- who</p> <p>5 was the production manager? I take it there</p> <p>6 was one when you took over as production</p> <p>7 manager; is that correct? They rolled --</p> <p>8 you became the maintenance and production</p> <p>9 manager; is that right?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Had there been a production</p> <p>12 manager prior to you taking the</p> <p>13 roll-together job, if you will?</p> <p>14 A No. It was a different title.</p> <p>15 Q All right. What was the title</p> <p>16 that --</p> <p>17 A Manager of -- what's a MOMO? I</p> <p>18 forget.</p> <p>19 Q A moo moo?</p> <p>20 A MOMO.</p> <p>21 Q Oh, excuse me.</p> <p>22 A It's a manager of manufacturing</p> <p>23 operations.</p>
<p>10</p> <p>1 electrician. Then I was a maintenance</p> <p>2 supervisor and then maintenance manager and</p> <p>3 now maintenance and production manager.</p> <p>4 Q When did you become the</p> <p>5 maintenance supervisor, please, sir?</p> <p>6 A 1992. Sometime in 1992.</p> <p>7 Q All right. And the maintenance</p> <p>8 manager, when did you become --</p> <p>9 A I'm sorry. That was 1992, the</p> <p>10 maintenance manager. The supervisor was</p> <p>11 1987.</p> <p>12 Q All right. And now you're the</p> <p>13 maintenance and production manager; is that</p> <p>14 correct?</p> <p>15 A Yes, ma'am.</p> <p>16 Q When did that happen?</p> <p>17 A May of 2006, I believe.</p> <p>18 Q And did you -- how did you become</p> <p>19 the production and maintenance manager?</p> <p>20 A Mary Ann Boyer asked me to take</p> <p>21 the job.</p> <p>22 Q And -- and what position does she</p> <p>23 hold?</p>	<p>12</p> <p>1 Q And that had that -- the job</p> <p>2 title changed to production manager; is that</p> <p>3 what you're saying?</p> <p>4 A Well, they restructured it.</p> <p>5 Q And who held the -- the job that</p> <p>6 you just said, the MOMO?</p> <p>7 A Richard Hollins.</p> <p>8 Q And where did he go?</p> <p>9 A He went to Princeton, Kentucky.</p> <p>10 Q Did you take over all of the job</p> <p>11 duties that he had -- had handled?</p> <p>12 A No.</p> <p>13 Q You need -- and I know it's</p> <p>14 just -- if we were just talking, it would be</p> <p>15 fine, but you need to let me finish before</p> <p>16 you start because she -- he can't write both</p> <p>17 of us.</p> <p>18 What duties did you not take that</p> <p>19 Mr. Hollins had performed?</p> <p>20 A Warehouse, finance, and QA.</p> <p>21 Q All right. Is there now a</p> <p>22 warehouse manager?</p> <p>23 A Say it again, please.</p>

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<p style="text-align: right;">13</p> <p>1 Q Is there now a warehouse manager 2 or somebody else who's over the warehouse? 3 A Yes. 4 Q And who is that? 5 A Mark Hall. 6 Q And what about the finance, do 7 you know who does the finance function now? 8 A Debra Nettles. 9 Q And the Q and A -- QA, excuse me? 10 A Samuel Lyson. 11 Q Now, as the maintenance and 12 production manager, about how many people do 13 you supervise? 14 A About 240. 15 Q 240 people? 16 A Yes, ma'am. 17 Q And what -- these people that you 18 supervise, what do they do? 19 A They run the operations of the 20 plant involving the production and -- and 21 maintenance and repair. 22 Q Can you tell me the titles of 23 those people, please, sir, like maintenance</p>	<p style="text-align: right;">15</p> <p>1 Q And what about Donna Sin? 2 A She's the MRO buyer. 3 Q And what about Vincent? 4 A He's currently standing in for 5 the maintenance manager. We have an open 6 position. 7 Q And who was the maintenance 8 manager before Vincent? 9 A Me. 10 Q All right. And -- and the 11 production supervisor, Melvin Hutchins, 12 does -- who -- who reports to him directly? 13 A Eugene Andrews. 14 Q And what is his title? 15 A Production supervisor. Sammy 16 Stuart is also a production supervisor. 17 Bruce Cassady. 18 Q All right. Is he a -- 19 A Production supervisor. And John 20 Perry is a production supervisor. 21 Q Say that last name again for me. 22 A Perry. 23 Q Do you know if Sammy Stuart is</p>
<p style="text-align: right;">14</p> <p>1 operator, that kind of thing? 2 A Well, it's -- for me, it's a -- 3 it's like an organizational chart down. 4 Q All right. Who is your direct -- 5 who reports directly to you? 6 A Melvin Hutchins and Larry Hatcher 7 and Jeff Vinson. 8 Q Say that last name for me, 9 please, sir. 10 A Vinson. And Donna Sin. 11 Q All right. Now, what is -- has 12 Melvin Hutchins reported to you directly 13 since 2006? 14 A Yes, ma'am. 15 Q All right. And what is his title 16 now? 17 A Production superintendent, first 18 shift. 19 Q And Larry Hutchins, he's a 20 production supervisor second shift? 21 A Larry Hatcher. 22 Q Larry Hatcher. Excuse me. 23 A Yes, ma'am.</p>	<p style="text-align: right;">16</p> <p>1 currently under investigation for sexual 2 harassment? 3 A No. 4 Q Was he recently under 5 investigation for sexual harassment? 6 A Not to my knowledge. 7 Q Would you have known that if that 8 were the case? 9 MS. SWAIN: Objection. 10 Q I mean, would that have been 11 something that would have been reported to 12 you? 13 MS. SWAIN: Objection. 14 A No. Not always. 15 Q How long has Mr. Andrews been a 16 production supervisor? 17 A I don't know when he started. 18 Q But he -- has he held that job 19 since you were the -- became the production 20 and -- and maintenance manager? 21 A Yes, ma'am. 22 Q What about Mr. Stuart, how long 23 has he been a production supervisor?</p>

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<p style="text-align: right;">17</p> <p>1 A I don't know.</p> <p>2 Q Was he a production supervisor</p> <p>3 when you became maintenance and production</p> <p>4 manager?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Mr. Cassady?</p> <p>7 A He's held it approximately six</p> <p>8 months.</p> <p>9 Q What did he do before -- before</p> <p>10 he was a production supervisor?</p> <p>11 A I'm trying to think of his title.</p> <p>12 Maintenance planner.</p> <p>13 Q Was production supervisor a</p> <p>14 promotion, a lateral or a promotion?</p> <p>15 A More lateral.</p> <p>16 Q Do you know how that came about?</p> <p>17 A He requested it.</p> <p>18 Q Of -- of you?</p> <p>19 A Yes.</p> <p>20 Q Now, Chris Jordan, was he ever a</p> <p>21 production supervisor?</p> <p>22 A Yes.</p> <p>23 Q When did -- when was Chris Jordan</p>	<p style="text-align: right;">19</p> <p>1 are on the line?</p> <p>2 A About 12.</p> <p>3 Q What does a production scheduler</p> <p>4 do?</p> <p>5 A Schedules production.</p> <p>6 Q Uh-oh. I bet you used to get B</p> <p>7 minuses in spelling. Have you ever heard</p> <p>8 don't define the word with the word?</p> <p>9 A No.</p> <p>10 Q Okay. Tell me what does that</p> <p>11 mean, he schedules productions?</p> <p>12 A We have a -- we have a lot of</p> <p>13 customers. He decides who goes first.</p> <p>14 Q Now, how did he go from being a</p> <p>15 production supervisor to a production</p> <p>16 scheduler?</p> <p>17 A Our scheduler turned in his</p> <p>18 resignation.</p> <p>19 Q All right. And who was that?</p> <p>20 A Scott Parker.</p> <p>21 Q And having turned in -- was it</p> <p>22 like -- was he ordained to become the</p> <p>23 production scheduler or did something else</p>
<p style="text-align: right;">18</p> <p>1 a production supervisor?</p> <p>2 A From the time I took over in 2006</p> <p>3 until about December of '07.</p> <p>4 Q And who took his place?</p> <p>5 A Bruce Cassady.</p> <p>6 Q And does -- is Mr. Jordan still</p> <p>7 employed at Flavor House?</p> <p>8 A Yes.</p> <p>9 Q And what does he do now?</p> <p>10 A He's the production scheduler.</p> <p>11 Q Now, is -- is the production</p> <p>12 scheduler a -- was that a lateral, a</p> <p>13 demotion or --</p> <p>14 A Lateral.</p> <p>15 Q And what does -- does he</p> <p>16 supervise people as a production scheduler?</p> <p>17 A One person.</p> <p>18 Q How many people did he supervise</p> <p>19 as a production supervisor?</p> <p>20 A Three production lines.</p> <p>21 Q Three production lines?</p> <p>22 A Yes, ma'am.</p> <p>23 Q How many -- about how many people</p>	<p style="text-align: right;">20</p> <p>1 happen besides Mr. --</p> <p>2 A We asked him would he take the</p> <p>3 job.</p> <p>4 Q Who -- who is "we"?</p> <p>5 A Myself and Mary Ann Boyer.</p> <p>6 Q Does he make the same amount of</p> <p>7 money?</p> <p>8 A I don't know.</p> <p>9 Q Well, when you told me that you</p> <p>10 believed it was a lateral move, what -- what</p> <p>11 factors played into you thinking it was a</p> <p>12 lateral move?</p> <p>13 A The grade level was the same.</p> <p>14 Q Anything else? Any other factor</p> <p>15 besides the grade level?</p> <p>16 A He had very good computer skills.</p> <p>17 Q Are you saying you didn't need</p> <p>18 computer skills for production supervisor?</p> <p>19 I'm -- I'm -- I'm -- let me withdraw that.</p> <p>20 I'm trying to find out what factors you</p> <p>21 say made it a lateral, and that doesn't seem</p> <p>22 to be a factor that would make it a lateral.</p> <p>23 That just seems to make it a good idea.</p>



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<p style="text-align: right;">21</p> <p>1 A He had more of an expertise in</p> <p>2 Excel spread sheets than the other</p> <p>3 supervisors on staff.</p> <p>4 Q But that doesn't -- again, when I</p> <p>5 say "lateral," usually when you're talking</p> <p>6 about lateral it means it's the same, like</p> <p>7 you said, grade level, same pay, same</p> <p>8 status. Do you -- is that what you're</p> <p>9 basing your idea on that it was a lateral?</p> <p>10 MS. SWAIN: Objection to the</p> <p>11 form.</p> <p>12 A Yes.</p> <p>13 Q Did anyone else apply for that</p> <p>14 job?</p> <p>15 A I don't know.</p> <p>16 Q Now, you've -- you've been</p> <p>17 some -- a supervisor of some description at</p> <p>18 Flavor House since 1992. Is that a fair</p> <p>19 statement?</p> <p>20 A Since 1987.</p> <p>21 Q So you were a supervisor then.</p> <p>22 Tell me how -- have you had any training</p> <p>23 on -- on how to investigate a sexual</p>	<p style="text-align: right;">23</p> <p>1 Q If you have the date, that would</p> <p>2 surprise me, but about when?</p> <p>3 A Around '89 was the first time.</p> <p>4 Q All right. And -- and you were</p> <p>5 trained on how to investigate a sexual</p> <p>6 harassment complaint?</p> <p>7 A Yes.</p> <p>8 Q All right. And tell me who</p> <p>9 taught you -- and if you don't remember the</p> <p>10 name of the person, I mean, were they a</p> <p>11 lawyer, were they a personnel investigator,</p> <p>12 or what were they?</p> <p>13 A I don't remember their -- their</p> <p>14 status.</p> <p>15 Q Okay. Can you tell me when --</p> <p>16 the next time you remember being trained on</p> <p>17 that, how to investigate sexual harassment?</p> <p>18 A I don't remember the dates.</p> <p>19 Q Were you given a certificate at</p> <p>20 the time you had your training?</p> <p>21 A I don't remember.</p> <p>22 Q Did you have to sign a sign-up</p> <p>23 sheet of any description?</p>
<p style="text-align: right;">22</p> <p>1 harassment complaint?</p> <p>2 A Yes.</p> <p>3 Q And when did you have that</p> <p>4 training?</p> <p>5 A I don't know the specific dates,</p> <p>6 but it's been several times while working at</p> <p>7 BFG and before that when it was</p> <p>8 independently owned as Flavor House.</p> <p>9 Q Okay. Well, for -- for my -- for</p> <p>10 our purposes -- I know it's had some</p> <p>11 different ownerships. Let's call it Flavor</p> <p>12 House and let's just -- the whole time</p> <p>13 you've been employed, let's just assume</p> <p>14 we're talking about Flavor House. Okay?</p> <p>15 A Okay.</p> <p>16 Q All right. Tell me when -- the</p> <p>17 first time you remember having training on</p> <p>18 how to investigate a sexual harassment</p> <p>19 complaint.</p> <p>20 A Are you asking for a date or are</p> <p>21 you --</p> <p>22 Q Well --</p> <p>23 A What --</p>	<p style="text-align: right;">24</p> <p>1 A I don't remember.</p> <p>2 Q When is the last time you had</p> <p>3 some training on how to investigate a sexual</p> <p>4 harassment complaint?</p> <p>5 A I just don't remember.</p> <p>6 Q Was it in the last year?</p> <p>7 A I would say within the last two.</p> <p>8 Q Do you remember who taught that?</p> <p>9 A No. I would be guessing. I've</p> <p>10 got several names in my head, but I'd be</p> <p>11 guessing.</p> <p>12 Q Well, give me all of them and</p> <p>13 we'll talk about them.</p> <p>14 A Alice Clark.</p> <p>15 Q And who is Alice Clark?</p> <p>16 A She's HR divisional -- I believe</p> <p>17 her title is like a divisional director at</p> <p>18 Princeton.</p> <p>19 Q All right. And do you believe</p> <p>20 that Alice Clark has at some point taught</p> <p>21 you how to investigate a sexual harassment</p> <p>22 complaint, but you're just not sure whether</p> <p>23 she -- that was the person that did it the</p>



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<p style="text-align: right;">25</p> <p>1 most recently?</p> <p>2 A Yes.</p> <p>3 Q Who are the other names that had</p> <p>4 come to your mind?</p> <p>5 A Mary Ann Boyer.</p> <p>6 Q And my question about it would be</p> <p>7 the same. You know that she's taught you at</p> <p>8 some point; you're just not sure she was the</p> <p>9 last person?</p> <p>10 A I'm -- I'm not sure of the</p> <p>11 dates --</p> <p>12 Q Yes, sir.</p> <p>13 A -- or if she was the last person.</p> <p>14 Q But she has at some point taught</p> <p>15 you that; is that correct?</p> <p>16 A Yes. Uh-huh.</p> <p>17 Q And then the -- were there any</p> <p>18 other names that came to your mind?</p> <p>19 A I don't remember how to pronounce</p> <p>20 her last name, but it was something like</p> <p>21 Debra Guiney or Greenwich or Gingrich or --</p> <p>22 Q Okay.</p> <p>23 A She was from corporate. I don't</p>	<p style="text-align: right;">27</p> <p>1 A He was maintenance supervisor.</p> <p>2 Q All right. Who else?</p> <p>3 A I don't remember who all was in</p> <p>4 the position at the times that we had the</p> <p>5 training, but it was several supervisory</p> <p>6 staff.</p> <p>7 Q Was Chris Jordan in there, to</p> <p>8 your memory?</p> <p>9 A I don't remember.</p> <p>10 Q When you were taught how to</p> <p>11 investigate a sexual harassment complaint,</p> <p>12 was it different from how you -- well, let's</p> <p>13 strike that.</p> <p>14 Have you been taught generally how to</p> <p>15 investigate any kind of complaint at -- at</p> <p>16 Flavor House?</p> <p>17 MS. SWAIN: Object to the form.</p> <p>18 Q You know, that was not a sexual</p> <p>19 harassment complaint.</p> <p>20 A Well, yes.</p> <p>21 Q Was it different from how you</p> <p>22 were taught to investigate a sexual</p> <p>23 harassment complaint, procedures?</p>
<p style="text-align: right;">26</p> <p>1 know if she came from St. Louis or where.</p> <p>2 Q And do you remember if she was --</p> <p>3 was she a corporate HR person? Is that what</p> <p>4 you remember?</p> <p>5 A I don't know. I don't know what</p> <p>6 her title was.</p> <p>7 Q And would the same -- would the</p> <p>8 question was -- are you -- do you think for</p> <p>9 sure she taught you at some point how to</p> <p>10 investigate a sexual harassment complaint,</p> <p>11 but you're just not sure if she was the last</p> <p>12 one? Is that fair?</p> <p>13 A At some point. I don't remember</p> <p>14 the dates on any of these people.</p> <p>15 Q Do you recall whoever was -- in</p> <p>16 the last two years when you had the</p> <p>17 training, who else was in the training with</p> <p>18 you, either by name or by title?</p> <p>19 A Melvin Hutchins, Larry Hatcher,</p> <p>20 Donald Cody.</p> <p>21 Q Donald Cody?</p> <p>22 A Yes.</p> <p>23 Q What was his title at the time?</p>	<p style="text-align: right;">28</p> <p>1 MS. SWAIN: Objection to the</p> <p>2 form.</p> <p>3 A Repeat the question, please.</p> <p>4 Q You said you were taught at some</p> <p>5 time how to investigate any kind of</p> <p>6 complaint that you might have had, either</p> <p>7 a -- from -- about a person, disciplinary</p> <p>8 situation, whatever. Was that -- were you</p> <p>9 taught to -- to conduct that kind of</p> <p>10 investigation in a different way than you</p> <p>11 would have been a sexual harassment</p> <p>12 complaint?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A With any of the complaints, I</p> <p>15 mean, you -- you immediately involve HR.</p> <p>16 Q Okay. What do you mean you would</p> <p>17 immediately involve HR?</p> <p>18 A I mean within minutes after you</p> <p>19 know of a complaint, you notify HR.</p> <p>20 Q All right. Well, let's do it</p> <p>21 this way. Tell me, then, how -- and I -- I</p> <p>22 need an answer to my question. Would you do</p> <p>23 the investigation of a complaint, whether it</p>

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<p style="text-align: right;">29</p> <p>1 be sexual harassment or some other kind of</p> <p>2 complaint, in the same way? Is that --</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A You would --</p> <p>5 Q Is the answer yes or no?</p> <p>6 MS. SWAIN: You can answer the</p> <p>7 question.</p> <p>8 A What was the question again?</p> <p>9 Q You said you were taught how to</p> <p>10 investigate just general complaints about</p> <p>11 individuals that worked at Flavor House.</p> <p>12 Were you taught to investigate them</p> <p>13 differently from, say, a sexual harassment</p> <p>14 complaint or the same?</p> <p>15 A You would -- like I said before,</p> <p>16 you would immediately contact HR and you</p> <p>17 would follow their direction --</p> <p>18 Q All right. Well --</p> <p>19 A -- in how to investigate it.</p> <p>20 Q Well, is that what --</p> <p>21 A -- and what steps to take, that</p> <p>22 short of thing.</p> <p>23 Q Well, when you were taught how to</p>	<p style="text-align: right;">31</p> <p>1 as sexual harassment?</p> <p>2 A You report it to your supervisor</p> <p>3 and HR.</p> <p>4 Q All right. But other kinds of</p> <p>5 complaints were not necessarily handled that</p> <p>6 way?</p> <p>7 A You reported them to HR.</p> <p>8 Q Beyond that, were you taught how</p> <p>9 to do anything else in terms of</p> <p>10 investigating, first, a complaint of any</p> <p>11 kind?</p> <p>12 A I'm not sure. Could you repeat</p> <p>13 that again, please?</p> <p>14 Q Well, you -- you've told me that</p> <p>15 you had numerous trainings on how to</p> <p>16 investigate a sexual harassment complaint.</p> <p>17 A Yes. And all of them began with</p> <p>18 notify HR and your supervisor immediately.</p> <p>19 Q Okay. And now I want to know</p> <p>20 other than doing those two things, what else</p> <p>21 were you taught about how to investigate a</p> <p>22 complaint of sexual harassment in these</p> <p>23 numerous trainings you've had?</p>
<p style="text-align: right;">30</p> <p>1 investigate a sexual harassment complaint,</p> <p>2 is that what you were taught, to contact HR</p> <p>3 and -- and do whatever they said?</p> <p>4 A Yes.</p> <p>5 Q Is that all you were taught about</p> <p>6 it?</p> <p>7 A No. You report it to your</p> <p>8 supervisor.</p> <p>9 Q All right. So in this training</p> <p>10 you had, you were taught to report it to</p> <p>11 your supervisor and report it to HR; is that</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q Anything else?</p> <p>15 A If it was -- with sexual</p> <p>16 harassment, if it was even implied and --</p> <p>17 and you thought anything might be construed</p> <p>18 as a complaint.</p> <p>19 Q All right. What -- what -- what?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 Q I guess I didn't understand you.</p> <p>22 If -- if you -- you were to do what if</p> <p>23 you -- if it could be construed -- construed</p>	<p style="text-align: right;">32</p> <p>1 MS. SWAIN: Objection to the</p> <p>2 form. Go ahead.</p> <p>3 A Follow HR's directions.</p> <p>4 Q Anything else?</p> <p>5 A I mean, to -- to go further with</p> <p>6 this, you know, we would get into taking</p> <p>7 statements and this sort of thing, but you</p> <p>8 would be --</p> <p>9 Q Well, that's what I --</p> <p>10 A You would be following HR's</p> <p>11 direction.</p> <p>12 Q All right. So -- so what -- all</p> <p>13 I'm trying to find out, sir, is when you</p> <p>14 were receiving this training that you said</p> <p>15 you had, you were told immediately report it</p> <p>16 to HR?</p> <p>17 A And your supervisor.</p> <p>18 Q And your supervisor and to wait</p> <p>19 for further instructions from HR. Is that</p> <p>20 right?</p> <p>21 MS. SWAIN: Objection to the</p> <p>22 form.</p> <p>23 A That's it.</p>

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<p style="text-align: right;">33</p> <p>1 (Brief interruption.)</p> <p>2 A Could you ask again? The guy</p> <p>3 with the water distracted me there.</p> <p>4 Q Yeah. Other than immediately</p> <p>5 report the complaint to HR and immediately</p> <p>6 report it to your supervisor, were you</p> <p>7 taught in these sessions that you said you</p> <p>8 had to do anything else --</p> <p>9 MS. SWAIN: Objection.</p> <p>10 Q -- in terms of investigating a</p> <p>11 sexual harassment complaint?</p> <p>12 MS. SWAIN: Objection. And I</p> <p>13 think where he may be struggling is the</p> <p>14 distinction between the following what</p> <p>15 HR said --</p> <p>16 MS. ROBERTSON: Please don't --</p> <p>17 please don't try to -- I will work it</p> <p>18 out. Please don't try to telegraph an</p> <p>19 answer.</p> <p>20 MS. SWAIN: Well, I'm not trying</p> <p>21 to telegraph an answer, but I think --</p> <p>22 MS. ROBERTSON: All right.</p> <p>23 Then --</p>	<p style="text-align: right;">35</p> <p>1 them?</p> <p>2 A Yeah.</p> <p>3 Q All right. Well, why don't you</p> <p>4 tell me that?</p> <p>5 A Okay. Report it to your</p> <p>6 supervisor and report it to HR. Follow</p> <p>7 their directions, which always involves</p> <p>8 statements from people involved. And then</p> <p>9 you wait for their direction.</p> <p>10 Q So you're saying that in these</p> <p>11 sessions you were told that HR is going to</p> <p>12 always require you to take statements. Is</p> <p>13 that what you're saying?</p> <p>14 A Yes, if I'm directly involved in</p> <p>15 the investigation.</p> <p>16 Q All right. Did -- were you</p> <p>17 taught how to take statements?</p> <p>18 A No.</p> <p>19 Q You were not?</p> <p>20 A No. What you do is send them to</p> <p>21 HR and they write their statements.</p> <p>22 Q So you would send them to HR and</p> <p>23 they would write their statements there; is</p>
<p style="text-align: right;">34</p> <p>1 MS. SWAIN: -- he clearly doesn't</p> <p>2 understand what the question is.</p> <p>3 MS. ROBERTSON: Well, he can ask</p> <p>4 me if he doesn't understand.</p> <p>5 MS. SWAIN: He has. And I think</p> <p>6 you've repeated the -- the same</p> <p>7 question, but I don't think it's become</p> <p>8 any clearer.</p> <p>9 A Could you -- yeah. Could --</p> <p>10 Q All right. I've asked you have</p> <p>11 you had any training on how to investigate a</p> <p>12 sexual harassment.</p> <p>13 A Right.</p> <p>14 Q And you said yes several times.</p> <p>15 A Right.</p> <p>16 Q How long did these -- these</p> <p>17 teaching sessions on how to investigate a</p> <p>18 sexual harassment complaint last?</p> <p>19 A I don't remember.</p> <p>20 Q Would you say more than an hour?</p> <p>21 A I don't remember.</p> <p>22 Q So can you tell me what else you</p> <p>23 remember about them other than that you had</p>	<p style="text-align: right;">36</p> <p>1 that right?</p> <p>2 A I'm not sure how HR does it once</p> <p>3 they get them in their office.</p> <p>4 Q Is that how -- suppose you had a</p> <p>5 complaint of something else that a worker</p> <p>6 was complaining about. Would you do the</p> <p>7 same thing in terms of reporting it to the</p> <p>8 HR and wait for --</p> <p>9 A Everything that you're asking is</p> <p>10 pretty vague. I mean, every -- every</p> <p>11 circumstance, depending on the degree, you</p> <p>12 know, you may take different steps.</p> <p>13 Q Well, have you ever taken any</p> <p>14 statements in an investigation of a sexual</p> <p>15 harassment complaint or some other kind of</p> <p>16 complaint?</p> <p>17 MS. SWAIN: Objection to the</p> <p>18 form.</p> <p>19 A I've asked people to give</p> <p>20 statements if I was involved in the</p> <p>21 incident.</p> <p>22 Q All right. If you were involved</p> <p>23 in the incident, what -- what does that</p>



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<p style="text-align: right;">37</p> <p>1 mean?</p> <p>2 A It means if HR wanted me to</p> <p>3 investigate a particular incident or to get</p> <p>4 statements and turn in to them.</p> <p>5 Q Okay. Well, would you -- were --</p> <p>6 when you would do that, would you make a</p> <p>7 list of the questions you were going to ask?</p> <p>8 A Usually it would be, you know,</p> <p>9 tell me your side of this incident.</p> <p>10 Q Anything else except -- besides</p> <p>11 tell me your side of this incident?</p> <p>12 MS. SWAIN: Objection. You can</p> <p>13 answer as best you can.</p> <p>14 A No.</p> <p>15 Q Suppose somebody complained that</p> <p>16 a co-worker was cursing at her and throwing</p> <p>17 things and abusing her verbally. How would</p> <p>18 you go about taking a statement from the --</p> <p>19 from the alleged abuser or --</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I would take the person that was</p> <p>22 being -- the alleged abuser to HR</p> <p>23 immediately.</p>	<p style="text-align: right;">39</p> <p>1 -- I don't understand your answer. I'm not</p> <p>2 asking you how it would happen in the real</p> <p>3 world, what do you mean by that?</p> <p>4 A When you have an incident where</p> <p>5 someone is saying this person is throwing</p> <p>6 things or cursing at me or this sort of</p> <p>7 thing, I mean, what you do in a plant</p> <p>8 environment is you take that person that is</p> <p>9 supposedly doing these things and you take</p> <p>10 them to HR and you let HR do their job.</p> <p>11 That's what they're trained to do. You</p> <p>12 don't -- you don't take the statement from</p> <p>13 them or do HR's job for them.</p> <p>14 (Whereupon, Plaintiff's</p> <p>15 Exhibit Number 1 was marked and</p> <p>16 attached to the deposition.)</p> <p>17 BY MS. ROBERTSON:</p> <p>18 Q Plaintiff's Exhibit Number 1 to</p> <p>19 your deposition. I will ask you what this</p> <p>20 is, please, sir.</p> <p>21 MS. SWAIN: Do you have an extra</p> <p>22 copy, Ann?</p> <p>23 MS. ROBERTSON: Sure.</p>
<p style="text-align: right;">38</p> <p>1 Q Okay. But, I mean, suppose you</p> <p>2 were involved in doing the investigation.</p> <p>3 So you would take the abuser to the -- to HR</p> <p>4 and -- and then what?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I would --</p> <p>7 Q Suppose you were told to go take</p> <p>8 the statement from the person who was</p> <p>9 supposedly doing the cussing and the -- and</p> <p>10 the throwing.</p> <p>11 MS. SWAIN: Objection.</p> <p>12 Q What would you do?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A I mean, you're using words like</p> <p>15 "suppose" and -- and it -- it don't work</p> <p>16 that way in the real world.</p> <p>17 Q All right. Well, tell me how it</p> <p>18 works in the real world.</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A Are you asking me to make</p> <p>21 something up or, I mean, what are you --</p> <p>22 Q No. I'm not asking you -- what</p> <p>23 do you mean I'm not asking you how it would</p>	<p style="text-align: right;">40</p> <p>1 BY MS. ROBERTSON:</p> <p>2 Q Do you know what that is?</p> <p>3 A It's a documentation form.</p> <p>4 Q And what exactly is a</p> <p>5 documentation form used for?</p> <p>6 A This particular one appears to be</p> <p>7 investigating an incident.</p> <p>8 Q And how can you tell that?</p> <p>9 A By reading who was present, who</p> <p>10 was involved, the date, the place that it</p> <p>11 took place, and the time and what happened.</p> <p>12 Q Do you think -- is this a form</p> <p>13 that HR would have done?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A I would think so.</p> <p>16 Q So HR would have come to line</p> <p>17 three and taken the statement?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A They would have probably asked</p> <p>20 the supervisor to take a statement.</p> <p>21 Q Okay. So sometimes supervisors</p> <p>22 take the statements?</p> <p>23 A If HR directs them to.</p>

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<p style="text-align: right;">41</p> <p>1 Q All right. Can you tell me 2 what -- what the allegation or what the 3 incident is that was -- this documentation 4 was addressing? 5 A I'm trying to read it. 6 Q Okay. 7 A The print is not too well. 8 MS. ROBERTSON: Can I see if I've 9 got a better copy? I think we've got 10 about the same. 11 A If you could read that second 12 page, that will help me because I can't -- 13 Q Yes, sir. I will read what I 14 think it says and if you have any problem -- 15 A I'm having -- I'm having trouble 16 figuring out what it says on the second 17 page. 18 Q Well, I think it says, Rick and 19 help with the label but when I went to go, 20 Linda yelled at -- at me to help her get the 21 rework. I told her that Chris had already 22 told me to do something else and I would 23 help her when I got through. He told me</p>	<p style="text-align: right;">43</p> <p>1 Brooks. Who signed it? Oh, Frank. Okay. 2 Okay. Well, that's Mary Brooks' name on it. 3 Q Yeah. Well, that's -- 4 A I thought the "me" was Mary 5 Brooks. I didn't -- I guess the me is 6 Frank. 7 Q Can you imagine why whoever took 8 this statement was taking it in front of a 9 co-worker that would be Mary Brook? 10 MS. SWAIN: Objection. 11 A Say that again, now. 12 Q Well, in your vast training about 13 how to investigate a complaint, do you 14 ordinarily take the statement of somebody in 15 front of another co-worker? 16 MS. SWAIN: Objection. 17 A I don't think this is what that 18 says. I think it's just stating that Mary 19 Brooks has something to say about the 20 incident. 21 Q Oh, that she might have been a 22 witness? 23 A Yeah. I wouldn't -- I mean, it</p>
<p style="text-align: right;">42</p> <p>1 that was my -- and it -- I -- it says he, 2 but it looks like to me it probably said 3 she. It's cut off. He -- he told me that 4 that was my rework and I need to stay and 5 help. And the word is cut off -- get done. 6 I told her I could not -- I had to do 7 something I was told to do. She got an 8 attitude. I put my hand in the air, turned 9 around, and walked off. I had -- 10 MS. SWAIN: Got. 11 Q -- got very upset so instead of 12 saying something that would get me trouble, 13 I walked away. 14 Now, can you tell me what incident 15 that's supposed to be responding to? 16 MS. SWAIN: Objection. 17 A I don't know. I don't know if 18 there -- if it's Mary Brooks complaining 19 about Linda or if Mary Brooks is complaining 20 about Chris. 21 Q Okay. But it's a statement by 22 Frank Williams; right? 23 A Oh, I thought it was by Mary</p>	<p style="text-align: right;">44</p> <p>1 don't say that she's -- that he took it in 2 front of her. I don't see that anywhere. 3 Q Okay. Well, it says present. So 4 you think present in front -- as -- it means 5 present at the incident? 6 A In front of the incident, yeah. 7 Q All right. Well, what do you -- 8 what do you discern that the incident was 9 from this statement? 10 A I see. 11 MS. SWAIN: I object again to the 12 question. 13 A Okay. Now, can you ask the 14 question again? 15 Q Well, let's -- I will withdraw 16 that one. If you had been taking this 17 statement, before you got the statement, 18 what would you have told Mr. Williams about 19 what you were doing? 20 MS. SWAIN: Objection. You can 21 answer it if you can. 22 A I'm not sure what you me to 23 ask -- to answer to here.</p>

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<p style="text-align: right;">45</p> <p>1 Q Well -- all right. Let's look at</p> <p>2 Plaintiff's Exhibit Number --</p> <p>3 A I mean, the way -- the way I read</p> <p>4 this, at first I thought it was Mary Brooks</p> <p>5 complaining, but the way I read this with</p> <p>6 Frank, it seems like Frank was taking out a</p> <p>7 bag of cans and Linda yelled at him wanting</p> <p>8 him to stay and do some rework because some</p> <p>9 rework ran on the table while she was at</p> <p>10 break. I mean, that's -- that's the way I</p> <p>11 understand it.</p> <p>12 (Whereupon, Plaintiff's</p> <p>13 Exhibit Number 2 was marked and</p> <p>14 attached to the deposition.)</p> <p>15 BY MS. ROBERTSON:</p> <p>16 Q Let's look at Plaintiff's Exhibit</p> <p>17 Number 2 and see what you think about --</p> <p>18 tell me what -- about that. What is that?</p> <p>19 (Brief pause.)</p> <p>20 A Okay. What? What as the</p> <p>21 question, now?</p> <p>22 Q Plaintiff's Exhibit Number 2,</p> <p>23 what does that appear to be?</p>	<p style="text-align: right;">47</p> <p>1 A Yes. There's not a -- the -- the</p> <p>2 second one is not signed.</p> <p>3 Q So what -- what do you make of</p> <p>4 that?</p> <p>5 A I would think it came from Linda,</p> <p>6 but that would be guessing. I don't know.</p> <p>7 I think it would.</p> <p>8 Q Well, does it appear to be a</p> <p>9 complaint that Linda made about the way --</p> <p>10 A Yes.</p> <p>11 Q -- Frank?</p> <p>12 A That's what it appears to be,</p> <p>13 yes.</p> <p>14 Q And does Plaintiff's Exhibit</p> <p>15 Number 1 appear to be a statement gotten</p> <p>16 from Frank to see what his version of what</p> <p>17 happened was?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A Yes, because they're on the same</p> <p>20 date.</p> <p>21 Q Does it appear that anyone asked</p> <p>22 Mr. Williams whether he cursed Ms. Thornton?</p> <p>23 MS. SWAIN: Objection.</p>
<p style="text-align: right;">46</p> <p>1 A It appears to be Linda</p> <p>2 complaining that Frank was cussing at her.</p> <p>3 Q Okay. Now -- now do you believe</p> <p>4 that Plaintiff's Exhibit Number 2 is a</p> <p>5 complaint that Linda Thornton made and that</p> <p>6 Plaintiff's Exhibit Number 1 is someone</p> <p>7 getting Mr. Williams' version of what</p> <p>8 happened?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 Q Because there's no way to tell</p> <p>11 from those documentation forms, is there?</p> <p>12 MS. SWAIN: Objection. Which</p> <p>13 question do you want him to answer?</p> <p>14 Q The second one.</p> <p>15 A And the second one was --</p> <p>16 Q There's no way for you to tell</p> <p>17 who initiated the complaint because of the</p> <p>18 way the form is made?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A Well, I would say Frank signed</p> <p>21 this one so I'm thinking that was his</p> <p>22 statement.</p> <p>23 Q Plaintiff's Exhibit Number 1?</p>	<p style="text-align: right;">48</p> <p>1 A Does it appear that anyone asked?</p> <p>2 Q Well, yeah, because there --</p> <p>3 there -- there's -- nobody addresses whether</p> <p>4 or not there were any curse rendered by</p> <p>5 Mr. Williams in this statement, do they?</p> <p>6 MS. SWAIN: Objection.</p> <p>7 A This is not a -- from this</p> <p>8 document, it's not a question and answer</p> <p>9 form.</p> <p>10 Q You need to say Plaintiff's</p> <p>11 Exhibit Number 2.</p> <p>12 A Okay. Plaintiff's Number 1 or 2,</p> <p>13 both -- I mean, neither of them is a</p> <p>14 question and answer. I mean, it's just</p> <p>15 statements from the people involved.</p> <p>16 Q Well, my question is, if you were</p> <p>17 doing an investigation of the complaint</p> <p>18 which appears to be on Plaintiff's Exhibit</p> <p>19 Number 2, in your vast training were you</p> <p>20 taught to ask questions of the other</p> <p>21 witnesses as to what they heard and saw?</p> <p>22 MS. SWAIN: Objection. Ann, I</p> <p>23 don't know why you're -- you're getting</p>

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<p style="text-align: right;">49</p> <p>1 on to him about this. I mean, there's</p> <p>2 nothing that suggests that he did any of</p> <p>3 this.</p> <p>4 A I mean, this is an HR --</p> <p>5 MS. ROBERTSON: Well, I'm talking</p> <p>6 about training.</p> <p>7 MS. SWAIN: Well, that's fine,</p> <p>8 but, I mean, you're -- you're asking him</p> <p>9 questions that he doesn't --</p> <p>10 MS. ROBERTSON: And the person</p> <p>11 that did it was his subordinate.</p> <p>12 MS. SWAIN: -- he has no personal</p> <p>13 knowledge of.</p> <p>14 A No. HR don't work for me.</p> <p>15 Q Well -- so it looks like -- are</p> <p>16 you -- so you think HR did this and not</p> <p>17 Chris Jordan? See, Plaintiff's Exhibit</p> <p>18 Number 2 says the investigating supervisor</p> <p>19 is Chris Jordan.</p> <p>20 MS. SWAIN: Objection. Is there</p> <p>21 a question --</p> <p>22 MS. ROBERTSON: Yeah.</p> <p>23 MS. SWAIN: -- that he's supposed</p>	<p style="text-align: right;">51</p> <p>1 out. The documents that you're showing me</p> <p>2 are not question and answer documents.</p> <p>3 They're just hey, give me your side of the</p> <p>4 story.</p> <p>5 Q All right.</p> <p>6 A Chris Jordan at the time reported</p> <p>7 to Melvin Hutchins. Melvin Hutchins</p> <p>8 reported to me.</p> <p>9 Q Well, when you were taught --</p> <p>10 A I report to Mary Ann Boyer.</p> <p>11 Q When you were taught how to do an</p> <p>12 investigation or take a statement, were you</p> <p>13 taught to ask questions, specific questions?</p> <p>14 A I was taught to follow HR's</p> <p>15 directions.</p> <p>16 Q And have you ever had an occasion</p> <p>17 to take a statement in an investigation?</p> <p>18 A Yes, I have.</p> <p>19 Q And when you -- and who gave you</p> <p>20 the instructions on how to take them?</p> <p>21 A HR.</p> <p>22 Q And who was that HR person that</p> <p>23 told you?</p>
<p style="text-align: right;">50</p> <p>1 to answer?</p> <p>2 Q You supervised Chris Jordan and</p> <p>3 he was the investigating supervisor.</p> <p>4 A Melvin Hutchins --</p> <p>5 MS. SWAIN: Stop a second. Stop,</p> <p>6 stop. Objection to your question. What</p> <p>7 is the question you're asking him?</p> <p>8 MS. ROBERTSON: Was I -- in</p> <p>9 your --</p> <p>10 MS. SWAIN: Instead of arguing</p> <p>11 with him, ask him something.</p> <p>12 MS. ROBERTSON: Excuse me.</p> <p>13 Q In your line of progression,</p> <p>14 didn't you tell me that you -- you were</p> <p>15 supervising Melvin Hutchins and he</p> <p>16 supervised Chris Jordan?</p> <p>17 A Yes.</p> <p>18 Q And so you were the ultimate</p> <p>19 supervisor of Chris Jordan; right?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A You're talking about two</p> <p>22 different things here. I mean, HR directs</p> <p>23 how an investigation is done and carried</p>	<p style="text-align: right;">52</p> <p>1 A It depends on the incident at the</p> <p>2 time.</p> <p>3 Q Well, tell me the people that you</p> <p>4 can remember. Did you ever do one for Tommy</p> <p>5 Nans?</p> <p>6 A I don't remember.</p> <p>7 Q In -- in -- when -- in taking</p> <p>8 investigations, who would decide the</p> <p>9 punishment a person would receive, assuming</p> <p>10 there was some --</p> <p>11 A HR.</p> <p>12 MS. SWAIN: Let her finish her</p> <p>13 question. Okay?</p> <p>14 A Oh, I'm sorry. I'm sorry. I</p> <p>15 apologize.</p> <p>16 Q Assuming there was a finding that</p> <p>17 there had been some problem, who would --</p> <p>18 who would make the decision as to what --</p> <p>19 the punishment?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A It would be HR with Mary Ann's</p> <p>22 approval.</p> <p>23 Q Would the supervisor, the</p>

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1 investigating supervisor, have any input?  
 2 MS. SWAIN: Objection.  
 3 A Nothing that would override HR's  
 4 decision.  
 5 Q Does that mean that they might be  
 6 asked after the decision was made or before  
 7 the decision was made or what?  
 8 MS. SWAIN: Objection.  
 9 A I don't know.  
 10 Q If you were in -- conducting an  
 11 investigation of something like Plaintiff's  
 12 Exhibit Number 2 and the individual to  
 13 whom -- against whom the complaint was  
 14 lodged didn't tell the truth, would that  
 15 also call for punishment?  
 16 MS. SWAIN: Objection.  
 17 A How would I know they didn't tell  
 18 the truth? I mean --  
 19 (Whereupon, Plaintiff's  
 20 Exhibit Number 3 and 4 were  
 21 marked and attached to the  
 22 deposition.)  
 23

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1 BY MS. ROBERTSON:  
 2 Q Well, suppose other witnesses  
 3 said that they heard him use the F word and  
 4 use damn and say fuck it and -- and  
 5 Plaintiff's Exhibit Number 3. Tamekia Cook  
 6 said she heard him say F it and threw the  
 7 curtains open and say curse words.  
 8 Plaintiff's Exhibit Number 4 is a statement  
 9 by Christine Long where she heard him say  
 10 the F word and every damn thing.  
 11 Would you have expected Mr. Williams to  
 12 have been disciplined for not telling the  
 13 truth in his statement after -- after there  
 14 were witnesses who heard him using those  
 15 words?  
 16 MS. SWAIN: I'm going to object  
 17 both to the question and to the  
 18 characterization of the documents. Go  
 19 ahead.  
 20 MS. ROBERTSON: Okay.  
 21 A Okay. I would expect using these  
 22 curse words for there to be some form of  
 23 disciplinary action from HR.

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1 Q Yes, sir. But I'm not asking you  
 2 about that. You see, Mr. Williams, when he  
 3 was asked about it, do you see anywhere  
 4 where he mentioned that he was using the F  
 5 word and -- and saying damn and what have  
 6 you?  
 7 MS. SWAIN: Objection.  
 8 A That would be an HR decision.  
 9 Q Would you agree with me that he  
 10 didn't tell the truth in his statement?  
 11 MS. SWAIN: Objection. There's  
 12 nothing that suggests in the statement  
 13 that he was asked the question.  
 14 MS. ROBERTSON: Thank you. That  
 15 was the point I was making. Nobody  
 16 asked him because they're not doing an  
 17 adequate investigation. And if  
 18 that's -- if you'll stipulate to that,  
 19 then we can leave early.  
 20 MS. SWAIN: No, I'm not  
 21 stipulating to that. You're talking --  
 22 MS. ROBERTSON: Well, you said  
 23 it. Thank you.

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1 MS. SWAIN: No. You're talking  
 2 about two different things, the  
 3 statement itself and whatever  
 4 investigation was ultimately done.  
 5 MS. ROBERTSON: I believe --  
 6 MS. SWAIN: And you're twisting  
 7 what his testimony is to try to get him  
 8 to say something that -- what you want  
 9 him to say.  
 10 MS. ROBERTSON: I believe Mary  
 11 Ann Boyer testified that they would have  
 12 always asked him if he -- if he threw  
 13 the cans or if anybody saw that they  
 14 threw the cans or if any -- any curse  
 15 words were used.  
 16 MS. SWAIN: And you've not  
 17 elicited one way or the other whether  
 18 anybody has asked that question because  
 19 you haven't talked to anybody that was  
 20 involved.  
 21 MS. ROBERTSON: But you have and  
 22 you just said that nobody asked him so  
 23 thank you.



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<p style="text-align: right;">57</p> <p>1 MS. SWAIN: No, I did not say</p> <p>2 that.</p> <p>3 BY MS. ROBERTSON:</p> <p>4 Q Do you know was -- Franklin</p> <p>5 Williams, did you know he was a sex</p> <p>6 offender?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A At what time?</p> <p>9 Q Well, any time during the time</p> <p>10 you worked there.</p> <p>11 A Yes.</p> <p>12 Q When did you learn that?</p> <p>13 A About -- it was after Linda was</p> <p>14 gone, after Linda quit.</p> <p>15 Q And you didn't know that before</p> <p>16 then?</p> <p>17 A No, I did not.</p> <p>18 Q Do you know is Bruce Cassady kin</p> <p>19 to Frank Williams?</p> <p>20 A I don't know.</p> <p>21 Q You don't know if he is or not?</p> <p>22 A I don't know if he is or not.</p> <p>23 Q When -- how did you find out that</p>	<p style="text-align: right;">59</p> <p>1 Q What else did she tell you in</p> <p>2 that conversation?</p> <p>3 A That was the biggest thing that</p> <p>4 I -- that I remember. I think she gave me</p> <p>5 the date when HR was going to talk to him.</p> <p>6 And, as always, when it's a -- a supervisor,</p> <p>7 usually the next level of supervision</p> <p>8 escorts him out, which would be either Chris</p> <p>9 or Melvin or myself, whoever was available</p> <p>10 at the time.</p> <p>11 Q Well, if -- if he had declined to</p> <p>12 resign, was he going to be fired?</p> <p>13 A I don't know.</p> <p>14 Q Well, do you ordinarily ask</p> <p>15 somebody to resign and then escort them out?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A I don't know of it happening</p> <p>18 before.</p> <p>19 Q Ordinarily when someone is</p> <p>20 escorted out, it's after they've been</p> <p>21 terminated involuntarily; correct?</p> <p>22 MS. SWAIN: Objection.</p> <p>23 A No.</p>
<p style="text-align: right;">58</p> <p>1 Frank Williams is a sex offender?</p> <p>2 A Mary Ann Boyer told me.</p> <p>3 Q When did she tell you that?</p> <p>4 A I don't remember the exact date.</p> <p>5 I know Linda was gone and it was after the</p> <p>6 lawsuit had started or sometime during then.</p> <p>7 Q Was Frank Williams still there?</p> <p>8 A Yes, he was.</p> <p>9 Q And what was the occasion for</p> <p>10 Mary Ann Boyer telling you that Mr. Williams</p> <p>11 was a sex offender?</p> <p>12 A HR was going to ask for Frank's</p> <p>13 resignation.</p> <p>14 Q Do you know why they were going</p> <p>15 to ask for his resignation?</p> <p>16 A Because he -- I don't think I was</p> <p>17 given the -- I -- I wasn't given the exact</p> <p>18 reason.</p> <p>19 Q Were you and Ms. Boyer discussing</p> <p>20 that he was going to be asked to resign and</p> <p>21 that's when she told you he was a sex</p> <p>22 offender?</p> <p>23 A Yes.</p>	<p style="text-align: right;">60</p> <p>1 Q They're escorted out when they</p> <p>2 resign and give two weeks' notice?</p> <p>3 A Yes.</p> <p>4 Q When are they -- when are they</p> <p>5 escorted out, after the two weeks or at the</p> <p>6 time they tender --</p> <p>7 A After the -- after the two weeks.</p> <p>8 Q And why -- where -- how are they</p> <p>9 escorted out?</p> <p>10 A You have certain things like</p> <p>11 badges and keys and you want to make sure</p> <p>12 that you get those things from them because</p> <p>13 if not, you have to pay to get the keys made</p> <p>14 for the lockers and all this sort of thing.</p> <p>15 Q Well, tell me everything you can</p> <p>16 remember about the conversation that Mary</p> <p>17 Ann Boyer had when she told you that -- that</p> <p>18 Mr. Williams was going to be asked to resign</p> <p>19 and that he was a sex offender.</p> <p>20 MS. SWAIN: Objection. You can</p> <p>21 answer.</p> <p>22 A I think we pretty well covered</p> <p>23 it. She was -- she was giving me the date</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">61</p> <p>1 and that he was a sex offender and that HR 2 was going to come down and they were going 3 to ask for his resignation. 4 Q Well, what date did she give you 5 that he was a sex offender? 6 MS. SWAIN: Objection. 7 A This was a single conversation. 8 I don't remember what day it was. 9 Q No. You said that she gave you 10 the date. I may have misunderstood. The 11 date of what? 12 A The date that HR was coming down 13 to talk to him. 14 Q Okay. So HR from somewhere else 15 was coming down? 16 A Yes. 17 Q Do you remember about when that 18 was? 19 A No, I don't. 20 Q And -- and so she said HR is 21 coming down and ask for Frank's resignation 22 and he's a sex offender? 23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">63</p> <p>1 It's not with hourly folks. 2 Q Okay. So have you ever 3 participated in -- in a -- an hourly hire? 4 A Only the mechanics. 5 Q All right. Well, tell me when 6 you would -- when would you have helped hire 7 mechanics? 8 A It would have been over -- before 9 May of 2006. 10 Q All right. What were you helping 11 hire people in 2001, 2000, 2001? 12 A In mechanics. 13 Q All right. Tell me the procedure 14 y'all followed back then. 15 A You notify HR you have an 16 opening. HR gets your resume. You bring 17 the mechanic in. They take a test, a 18 mechanical test. If they pass the test, you 19 bring them in for an interview and then 20 depending on how the interview goes, you 21 recommend to HR that they proceed with 22 hiring. And HR does a background check and 23 if they pass the background check, they're</p>
<p style="text-align: right;">62</p> <p>1 A There was more to it than that, 2 but I don't remember the details. 3 Q Well, can you -- well, can you 4 give me generally what else it was about? 5 A No, because I would be 6 speculating. I don't remember. 7 Q Did she tell you that he had 8 talked -- that he had said on his 9 application that he was a sex offender? 10 A No, she didn't tell me that. 11 Q Do you know if that were true? 12 A I don't know. He was hired 13 before I took the position here, you know. 14 I would think at least a year before. 15 Q Okay. Do you know who hired him? 16 A No, I don't. 17 Q You -- have you -- have you ever 18 participated in the hiring process? 19 A Yes, I have. 20 Q All right. Tell me -- tell me 21 how -- how your participation in the hiring 22 process has gone. 23 A Usually, it's with salary people.</p>	<p style="text-align: right;">64</p> <p>1 hired. 2 Q Back in 2000, 2001, did y'all do 3 background checks? 4 A I don't know. 5 Q Were you told that you did 6 background checks back in 2000, 2001? 7 A I don't remember. 8 Q Do you know if you had a back -- 9 when -- you got hired in 1987. Do you know 10 what a background check -- 11 A In 1986. 12 Q Oh. Do you know what a 13 background check involves? 14 A Yes. 15 Q What was it? What was it -- 16 A It's looking for a criminal 17 record. 18 MS. SWAIN: You're talking about 19 back in '86? 20 MS. ROBERTSON: Right. Yeah. 21 A '86. 22 Q Right. Criminal record. 23 Anything else?</p>

16 (Pages 61 to 64)



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<p style="text-align: right;">65</p> <p>1 A I don't know. I know that's the 2 biggest one that I can think of. 3 Q Do you know what Frank Williams 4 did in order to become a -- to be 5 denominated or -- 6 A No. 7 Q Do you know that he pled guilty 8 to raping a 13 year old? 9 A No, I didn't. 10 Q Do you know that he pled guilty 11 to having deviant sexual intercourse with a 12 10 year old? 13 MS. SWAIN: Objection. 14 A No. 15 Q Do you know that in 1998 there 16 was a recommendation by his parole probation 17 officer to revoke him -- 18 A No. 19 Q -- because there was an 20 outstanding warrant for contributing to the 21 delinquency of a minor? 22 A No, I didn't. 23 Q Did you know he was probably</p>	<p style="text-align: right;">67</p> <p>1 A I wouldn't want them to, but it 2 seems like his preference is children, if 3 that's the case. 4 Q Do you know his wife, Ronnie, or 5 one of his wives, Ronnie? 6 MS. SWAIN: Objection. 7 A No. 8 Q Did you know he was married to a 9 woman name Ronnie? 10 A No. 11 Q Do you know she was the 15 year 12 old that her mother issued the -- swore out 13 the warrant for contributing to the 14 delinquency of a minor? 15 MS. SWAIN: No. 16 A No. 17 Q That he was -- that he was having 18 intercourse with her when he was 27 and she 19 was 15? 20 MS. SWAIN: Objection. 21 A No. I don't know any of the 22 details. 23 Q Did -- did Frank -- did Frank</p>
<p style="text-align: right;">66</p> <p>1 still on probation in 2001? 2 MS. SWAIN: Objection. 3 A No. 4 Q Did you know he served four years 5 of a 10-year sentence? 6 MS. SWAIN: Objection. 7 A No, I didn't. 8 Q Did Mary Ann Boyer tell you any 9 of that stuff when she told you that he was 10 a sex offender? 11 A No. 12 Q Would you classify someone who 13 had deviant sexual intercourse with a 10 14 year old a child molester? 15 MS. SWAIN: Objection. 16 A Personally, I would. 17 Q Is that somebody you would want 18 to have working around women at Flavor 19 House? 20 MS. SWAIN: Objection. 21 A I wouldn't want them working 22 around children. 23 Q What about women?</p>	<p style="text-align: right;">68</p> <p>1 Williams ever work for you? 2 A If you want to go through the 3 hierarchy like we did a few minutes ago, 4 ultimately he did. 5 Q When was that? 6 A From the time I took the job in 7 2006, he reported to Chris Jordan or one of 8 the front line production supervisors and 9 then Melvin Hutchins and then to me. 10 Q Now, you said when -- when you 11 had this conversation with Mary Ann Boyer 12 that -- that Mr. Williams was a -- a sex 13 offender and he was going to be asked to 14 resign, he was in your line of -- of 15 supervision at that time. Is that a fair 16 statement? 17 A He was an hourly team leader, but 18 he was -- 19 Q But he -- 20 A He was three reports down. 21 Q But is that why she was telling 22 you that -- 23 A No. I think she was telling me</p>

17 (Pages 65 to 68)

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<p style="text-align: right;">69</p> <p>1 because she wanted me to make sure that 2 somebody was available to escort him out. 3 Q Were you the person who escorted 4 him out? 5 A I was. 6 Q All right. Tell me how -- how -- 7 how you became the person to escort him out. 8 A I was the one that was available 9 at the time. 10 Q Okay. And who -- who called you 11 to escort him out? 12 A I don't remember. It would have 13 been -- I don't remember which one, but it 14 would have been either Dee Lake or Alice 15 Clark. 16 Q And so what you -- tell me how 17 that happened. 18 A I just get his locker key and his 19 badge and -- 20 Q Were you called by -- 21 A -- escort him to the door. 22 Q -- these people? 23 A At some time. I don't remember</p>	<p style="text-align: right;">71</p> <p>1 truck keys. 2 Q Who was his wife? Did she work 3 out there? 4 A Yes. 5 Q Who was his wife? 6 A Candace Williams. 7 Q And do you know -- did she -- did 8 he marry her while he was working out there? 9 A I don't know. 10 Q Where did she work in -- in 11 Flavor House, what department, section, 12 whatever? 13 A At that time, I'm guessing. I 14 think she was a -- she was a filler 15 operator, I believe, on the production line. 16 Q Did you in fact go ask her for 17 the truck keys? 18 A Yes. 19 Q What was Mr. Williams' demeanor 20 when you escorted him out? Was he -- 21 A He -- he was -- looked depressed. 22 Q And how did he look depressed? I 23 mean, what -- what -- what caused you to</p>
<p style="text-align: right;">70</p> <p>1 the details. 2 Q And they -- and you -- where was 3 Mr. Williams when you escorted him out? 4 A He walked out of the office, out 5 of the -- Dee Lake's office. 6 Q And who is Dee Lake? 7 A HR director, Dothan. 8 Q All right. And -- and were you 9 waiting for him when he walked out? 10 A Yes. 11 Q What did you say to him and he 12 say to you? 13 A I asked him was he ready to go 14 and he said, yeah, I need to go to the 15 bathroom. That was pretty much it. 16 Q Did he clean out his locker? 17 A He gave me the keys and his badge 18 and I asked him did he have anything else 19 and he said no. 20 Q Did he say anything else to you? 21 A He -- he said that -- let's see. 22 Oh, oh. Could his wife bring him -- could 23 I -- would I tell his wife to bring him the</p>	<p style="text-align: right;">72</p> <p>1 think he was depressed? 2 MS. SWAIN: Objection. You can 3 go ahead and answer. 4 A He just lost his job. 5 Q No. I -- I understand. But how 6 was he manifesting the depression? 7 A He just had his head down. 8 Q Did he say anything that made you 9 think he was depressed? 10 A No. 11 Q Now, you said something about the 12 lawsuit was already -- the lawsuit had 13 already been filed. Were you -- how were 14 you aware there was a lawsuit? 15 MS. SWAIN: Objection. You can 16 answer it if it does not involve 17 conversations with an attorney. 18 Q Right. 19 A I was notified by -- wait a 20 minute. Say that again. 21 MS. SWAIN: You can answer it if 22 it does not involve a conversation with 23 an attorney.</p>

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<p style="text-align: right;">73</p> <p>1 A I was notified by the corporate 2 attorney. 3 Q Okay. And that -- but that was 4 sometime in advance of you and Ms. Boyer 5 having this conversation about he was going 6 to be asked to resign; is that correct? 7 A Yes. 8 Q Okay. Can you tell me 9 approximately how long in advance of you 10 being told that? 11 A No. 12 Q Like a week, a month, two -- 13 A I just have no recollection. I 14 don't know. 15 Q At the time -- do you know what 16 an EEOC charge is? 17 A Yes. 18 Q At the time Ms. Thornton filed 19 her EEOC charge, were you asked about that, 20 for any information relative to her EEOC 21 charge? 22 MS. SWAIN: Objection. Again, 23 don't answer that if it involves a</p>	<p style="text-align: right;">75</p> <p>1 his name? 2 A Scott Clark. 3 Q Okay. Now, were -- did you talk 4 to Linda on or about the day that she had 5 the incident with Mr. Williams -- 6 MS. SWAIN: Objection. 7 Q -- that we've talked about in 8 Plaintiff's Exhibit 1 and 2 and 4 and 3? 9 A When did she -- when was her last 10 day? When did she leave? 11 Q Well, I think it was a few days 12 after this June the 14th incident. 13 A I -- I had no conversation with 14 her about the incident. 15 Q Right. 16 A She spoke to me one time asking 17 was she going to be left on the line or was 18 she moved to line five, labeler, 19 permanently. 20 Q Okay. And when did that 21 conversation occur or what -- what were the 22 circumstances of the conversation? 23 A I don't know. I was walking by</p>
<p style="text-align: right;">74</p> <p>1 conversation with the company's 2 attorney. 3 MS. ROBERTSON: Well, he -- no. 4 He can tell me that an attorney asked 5 him. He does -- I'm not going to ask 6 him what -- but I have a right to know 7 if he was aware of it. 8 MS. SWAIN: Well, you can ask him 9 if he was aware of it. 10 MS. ROBERTSON: That's what I 11 asked him. 12 MS. SWAIN: Well, you -- you 13 asked him if he -- if somebody asked him 14 about it. 15 MS. ROBERTSON: Right. If he 16 says a lawyer had asked him, I'm not 17 going to ask him what the lawyer asked 18 him. That's different. 19 MS. SWAIN: You can tell her if 20 you became aware of it from the lawyer. 21 A I did become aware of it from a 22 lawyer. 23 Q And that lawyer was -- what was</p>	<p style="text-align: right;">76</p> <p>1 and she asked me that. 2 Q All right. Did you have anything 3 to do with putting -- putting her -- putting 4 her on line five? 5 A No, I didn't. 6 Q Who put her on line five? 7 A Either Melvin or one of the 8 supervisors. It would have been either 9 Melvin or I think Chris had those lines at 10 the time. 11 Q And -- and -- and she asked you 12 was she going to be permanent on line five? 13 A Yes. 14 Q And what did you tell her? 15 A I told her that we moved labeler 16 people -- label operators around, that we 17 moved mechanics around, and that I didn't 18 know and that she could talk to Tommy about 19 it. 20 Q Okay. So you -- you were not 21 aware that she had been placed there for 22 some reason other than just moving operators 23 around?</p>

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<p style="text-align: right;">77</p> <p>1 A No, I didn't.</p> <p>2 Q Is that right?</p> <p>3 A I did not.</p> <p>4 Q Were y'all about to get a new</p> <p>5 machine on line three for labeling in -- in</p> <p>6 June of '06?</p> <p>7 A I thought we had already got it,</p> <p>8 but I don't -- I don't remember the time.</p> <p>9 Q Well --</p> <p>10 A We did get a new label machine</p> <p>11 out there.</p> <p>12 Q Okay. And --</p> <p>13 A We're planning to -- to get all</p> <p>14 three labelers replaced.</p> <p>15 Q And the -- what all three? Which</p> <p>16 lines are you talking about?</p> <p>17 A The can labelers, three, four,</p> <p>18 and five.</p> <p>19 Q Okay. Did you get the line five</p> <p>20 new label machines before or after line</p> <p>21 three?</p> <p>22 A We got it after line three.</p> <p>23 Q Do you remember how long?</p>	<p style="text-align: right;">79</p> <p>1 Q Okay. And does he make work</p> <p>2 assignments, tell people when they can go to</p> <p>3 break?</p> <p>4 A Yeah.</p> <p>5 Q Anything else?</p> <p>6 A That's pretty much it.</p> <p>7 Q Can he recommend disciplinaries?</p> <p>8 A No.</p> <p>9 Q Well, what if he -- if his of his</p> <p>10 workers is not doing right? What does he</p> <p>11 do?</p> <p>12 A Call the supervisor.</p> <p>13 Q And recommend a disciplinary?</p> <p>14 A If he explains his side of the</p> <p>15 story and then worker explains their side.</p> <p>16 Q How does one become a team</p> <p>17 leader?</p> <p>18 A Have a job opening and you post</p> <p>19 for it. They post the job and then somebody</p> <p>20 is picked.</p> <p>21 Q Does the -- does -- what about --</p> <p>22 was Frank Williams also a temporary</p> <p>23 supervisor?</p>
<p style="text-align: right;">78</p> <p>1 A It hadn't been that long ago</p> <p>2 since we got it. It's only been about --</p> <p>3 been in the last month for line five.</p> <p>4 Q Did -- when she asked you about</p> <p>5 whether she was going to be permanently on</p> <p>6 line five, can you tell me exactly what you</p> <p>7 remember saying?</p> <p>8 A Not exactly, no.</p> <p>9 Q What exactly does a team leader</p> <p>10 do?</p> <p>11 A Your -- your team leader assists</p> <p>12 on the mixed nut line, which is, at this</p> <p>13 point, line three because you have a --</p> <p>14 along with the peanuts, you have an</p> <p>15 assortment of tree nuts that you have to put</p> <p>16 in there and it's a more complicated line.</p> <p>17 Q Is it -- does the --</p> <p>18 A So you're going from processing</p> <p>19 to packaging to make sure that the line is</p> <p>20 running smooth.</p> <p>21 Q Does the team leader make more</p> <p>22 money?</p> <p>23 A Yes, but not much.</p>	<p style="text-align: right;">80</p> <p>1 A I don't think so. I don't know.</p> <p>2 I don't remember.</p> <p>3 Q Okay.</p> <p>4 A I had this job, like, six weeks</p> <p>5 before all this happened or less.</p> <p>6 Q Well, you -- and you don't know</p> <p>7 whether he was a temporary supervisor in</p> <p>8 '07?</p> <p>9 A I think he was. I don't -- I</p> <p>10 don't recall. We would have to go back and</p> <p>11 look.</p> <p>12 Q Would you look at somebody's</p> <p>13 disciplinaries before you would make them a</p> <p>14 team leader and/or a temporary supervisor?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A I had no part in making Frank</p> <p>17 Williams a team leader. He was already in</p> <p>18 the position when I got there.</p> <p>19 Q No. I'm just talking about</p> <p>20 generally in -- if -- if you were</p> <p>21 responsible, would you be called upon to</p> <p>22 make a decision about somebody becoming a</p> <p>23 temporary supervisor?</p>



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<p style="text-align: right;">81</p> <p>1 MS. SWAIN: Objection.</p> <p>2 A Not all the time. Sometimes</p> <p>3 maybe.</p> <p>4 Q Well, if -- when you were</p> <p>5 involved in that, would you look at a</p> <p>6 person's disciplinary record to decide</p> <p>7 whether or not they were fit to be a</p> <p>8 supervisor?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A Yes.</p> <p>11 Q And if in the course of less --</p> <p>12 about a month they had been found guilty of</p> <p>13 cursing women, would you think that they</p> <p>14 were fit material to be a supervisor?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A If they're -- say that again,</p> <p>17 now.</p> <p>18 Q Suppose you were considering</p> <p>19 somebody to become a temporary supervisor</p> <p>20 and you opened his personnel file and in --</p> <p>21 in about a month he had been found guilty of</p> <p>22 cursing women as a team leader.</p> <p>23 A Would he be made a supervisor</p>	<p style="text-align: right;">83</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA:</p> <p>4 COUNTY OF BUTLER:</p> <p>5</p> <p>6 I hereby certify that the above and</p> <p>7 foregoing deposition was taken down by me in</p> <p>8 stenotype and the questions and answers</p> <p>9 thereto were transcribed by means of</p> <p>10 computer-aided transcription, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the testimony given by said</p> <p>13 witness upon said hearing.</p> <p>14 I further certify that I am neither of</p> <p>15 counsel, nor of kin to the parties to the</p> <p>16 action, nor am I in anywise interested in</p> <p>17 the result of said cause.</p> <p>18</p> <p>19</p> <hr/> <p>20 RENNY MCNAUGHTON</p> <p>21 Certified Court Reporter</p> <p>22 License Number: ACCR #:411</p> <p>23</p>
<p style="text-align: right;">82</p> <p>1 then --</p> <p>2 Q Yeah.</p> <p>3 A No.</p> <p>4 Q No. Okay. Thank you.</p> <p>5 MS. ROBERTSON: Can I have a few</p> <p>6 minutes and then we'll take a break and</p> <p>7 I -- I may be finished with him.</p> <p>8 MS. SWAIN: Okay.</p> <p>9 THE VIDEOGRAPHER: We're off the</p> <p>10 record at 2:18 p.m.</p> <p>11 (Whereupon, a short break was taken.)</p> <p>12 MS. ROBERTSON: That's all I have</p> <p>13 for him.</p> <p>14 DEPOSITION CONCLUDED</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	

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**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



DOCUMENTATION FORM

Employee Name: ~~Bob~~ ~~Bob~~ Frank Williams

Investigating Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Present: Mary Brooks

Who was involved: me + Linda Thurton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3

When did it take place (time and day): 11:15 Am Wed.

What happened: Linda was having problems out of  
Lable machine so she just told me she was going  
to Break. I Let her go But I was still having trouble  
with the machine. I finally got it fixed and Chris  
came around and told me to take out a Big Bag  
of Cans that was sitting on Line 3. had a lot  
of Bad Lables but was trying to work them in  
Linda came Back off Break. I was going to  
do what Chris had said then go Back and (over)

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT

1 Smothers

asked me to help her get the rework. I told her that Chris had already told me to do something else and I would help her when I got through. He told me that was my ~~rework~~ <sup>rework</sup> and I need to stay and help it done. I told her I could not I had to do something I was told to do. She got an attitude. I ~~put~~ put my hand in the air turned around and walked off. I had got very upset so instead of saying something that would get me in trouble I walked away.

*[Signature]*

**PLAINTIFF'S  
EXHIBIT**2  
Smothers

## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris JordanDate: 6-14-06Present: Melvin Hutchins, Frank HallWho was involved: Frank WilliamsWitness (s): Catherino Long, Wesley, Tamekia Cook

Date of incident: \_\_\_\_\_

Where did it take place: line 3When did it take place (time and day): 11:00 - 11:05?

What happened: Today on line 3 when I came back from second break, (Frank Williams had Relieved me.) I noted that the paperwork had not been done while I was on break, so I was catching up on the paperwork. Frank was reloading the machine with labels. There was re-work in a box full of cans, and the table was over-flowing with cans with bad labels. When Frank reloaded the machine he went to walk away - I asked him to help with the re-work - (the audit was going on) he started yelling at me that he had better "mother fucking things to do than worry about that fucking re-work. He continued to holler at me, and I told him to quit yelling & cussing at me. At this time he went from inside of the line to the outside of the line. The entire time yelling at me. Continued to yell mother fucker, God damn mother fucker. Throwing a large bag of cans, as he continued to yell and cuss at me - I continued to request that Wesley would please call for a supervisor, at this time Frank

Did this result in down time? NO If yes how much?Did this result in product being scrapped? If yes how much? NO

Attach an additional sheet if needed for witness statements following the same format.

was still yelling & cussing and I continued to ignore him. Donald Coty walked by and I requested that he please get a supervisor, please call Melvin Hutchins.

FH09023

Finally ~~there~~ went on his way. When Mervin came I told him about the situation at hand. Catherine ~~long~~ ~~there~~ was standing there and Wesley, and I honestly do not know who else. I ignored Frank Williams yelling God Damn mother fucker — whether he was calling me that name or just using it at me. Regardless — I won't take it again. No one else talks to me that way and he sure won't again. I don't have to tolerate that level of abusive language or me calling. Tameaka asked me later what was he saying a fit about.

Also, stated to Catherine "Did I holler at Linda". She stated "Yeah".

DOCUMENTATION FORM

Employee Name: Tamara Cooke

Investigating Supervisor: Chris Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before lunch

What happened: line 3 label machine messed up & we had  
bad labels on the work area & we cleaned some  
when Linda got back from back some was  
left up there and she asked <sup>Frank</sup> about this  
mess and Frank walked off saying curse words  
exact I don't know so Linda said something to  
him. ~~She~~ ~~at first~~ ~~was~~ ~~she~~ he threw his hands  
up & said Suck it and went threw the curtains.  
She was ignoring him but it was words still  
being said from him.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

**PLAINTIFF'S  
EXHIBIT**

3  
Smathers



DOCUMENTATION FORM

Employee Name: Catherine Long

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams and Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before 1200 Noon

What happened: well Linda just had  
came from Brake and she  
asked Frank to help her clear  
off the table by Line 3 label  
machine. I hear Frank said  
the F word and I cant  
do every dam thing.  
that all I heard except he  
was doing a lot of yelling and  
ext. ext. ext.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT

L1  
Snothers

**FREEDOM COURT REPORTING**

1	3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 CHRIS JORDAN</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 May 12, 2008</p> <p>23 Dothan, Alabama</p>	<p>1 oral testimony taken the 12th day of May,</p> <p>2 2008, along with exhibits.</p> <p>3 Please be advised that this is the</p> <p>4 same and not retained by the Court Reporter,</p> <p>5 nor filed with the Court.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
2	4
<p>1 STIPULATION</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Chris Jordan,</p> <p>5 may be taken before Renny D. McNaughton,</p> <p>6 Court Reporter and Notary Public, State at</p> <p>7 Large, at the offices of Bobbie Crook,</p> <p>8 Dothan, Alabama, on the 12th day of May,</p> <p>9 2008, commencing at approximately 2:30 p.m.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that it shall not be necessary for any</p> <p>12 objections to be made by counsel to any</p> <p>13 questions, except as to form or leading</p> <p>14 question and that counsel for the parties</p> <p>15 may make objections and assign grounds at</p> <p>16 the time of trial or at the time said</p> <p>17 deposition is offered in evidence, or prior</p> <p>18 thereto.</p> <p>19 In accordance with Rule 5(d) of the</p> <p>20 Alabama Rules of Civil Procedure, as</p> <p>21 amended, effective May 15, 1988, I, Renny D.</p> <p>22 McNaughton, am hereby delivering to Ms.</p> <p>23 Robertson the original transcript of the</p>	<p>1 INDEX</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Robertson 8</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 No. 5 31</p> <p>7 No. 6 38</p> <p>8 No. 7 40</p> <p>9 No. 8 41</p> <p>10 No. 9 42</p> <p>11 No. 10 45</p> <p>12 No. 11 47</p> <p>13 No. 12 47</p> <p>14 No. 13 49</p> <p>15 No. 14 52</p> <p>16 No. 15 60</p> <p>17 No. 16 63</p> <p>18 No. 17 73</p> <p>19 No. 18 76</p> <p>20 No. 19 78</p> <p>21</p> <p>22</p> <p>23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p>5</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE DEFENDANT (S):</p> <p>4 Jennifer F. Swain</p> <p>5 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>6 Berkowitz, PC</p> <p>7 Wachovia Tower, 420 North Twentieth Street,</p> <p>8 Suite 1600</p> <p>9 Birmingham, Alabama 35203-5202</p> <p>10 205-328-0480</p> <p>11</p> <p>12 FOR THE PLAINTIFF (S):</p> <p>13 Ann C. Robertson</p> <p>14 Temple D. Trueblood</p> <p>15 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>16 The Kress Building</p> <p>17 301 Nineteenth Street North</p> <p>18 Birmingham, Alabama 35203</p> <p>19 205-314-0500</p> <p>20 Also Present:</p> <p>21 Linda Thornton</p> <p>22 Dee Lake</p> <p>23</p>	<p>7</p> <p>1 2008, at the law office of Bobbie S.</p> <p>2 Crowe.</p> <p>3 Would counsel please identify</p> <p>4 yourself and state whom you represent.</p> <p>5 MS. ROBERTSON: I'm Ann Robertson</p> <p>6 and I represent the plaintiff.</p> <p>7 MS. TRUEBLOOD: Tempest Trueblood</p> <p>8 and I represent the plaintiff.</p> <p>9 MS. SWAIN: Jennifer Swain. I</p> <p>10 represent the defendant, Flavor House.</p> <p>11 THE VIDEOGRAPHER: Would the</p> <p>12 reporter please swear the witness in.</p> <p>13 (Witness Sworn.)</p> <p>14 THE COURT REPORTER: Usual</p> <p>15 stipulations?</p> <p>16 MS. SWAIN: Read and sign,</p> <p>17 please.</p> <p>18 MS. ROBERTSON: Right. And can</p> <p>19 we still have the same stipulation or</p> <p>20 agreement about the kinfolks?</p> <p>21 MS. SWAIN: Yes.</p> <p>22</p> <p>23</p>
<p>6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 2:30</p> <p>10 p.m. on the 12th day of May, 2008, Chris</p> <p>11 Jordan, witness in the above cause, for oral</p> <p>12 examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This begins</p> <p>16 videotape 1 in the deposition of Chris</p> <p>17 Jordan in the matter of Linda Thornton</p> <p>18 versus Flavor House Products, Inc., and</p> <p>19 Franklin D. Williams, case number</p> <p>20 107CV-712-WKW, in the court of the U.S.</p> <p>21 District Court in the Middle District of</p> <p>22 Alabama Southern Division. We are on</p> <p>23 record at 2:34 p.m. on Monday, May 12,</p>	<p>8</p> <p>1 CHRIS JORDAN</p> <p>2 having been duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MS. ROBERTSON:</p> <p>6 Q Will you state your full name,</p> <p>7 please, sir.</p> <p>8 A Christopher James Jordan.</p> <p>9 Q And how old a man are you,</p> <p>10 Mr. Jordan?</p> <p>11 A 38 years old.</p> <p>12 Q And where do you work?</p> <p>13 A I work at Randall Food Group.</p> <p>14 Q And for the benefit of not having</p> <p>15 to distinguish, I understand it's had</p> <p>16 several owners, but it's basically Flavor</p> <p>17 House; is that right?</p> <p>18 A Yes.</p> <p>19 Q So when I ask you how long you've</p> <p>20 worked at Flavor House, you know, we're just</p> <p>21 talking about the same company even though</p> <p>22 it may have had different owners; is that</p> <p>23 right?</p>

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<p style="text-align: right;">9</p> <p>1 A Yes.</p> <p>2 Q Okay. How long have you worked</p> <p>3 for Flavor House?</p> <p>4 A Approximately five years.</p> <p>5 Q And when you were hired -- who</p> <p>6 hired you?</p> <p>7 A I do not remember.</p> <p>8 Q What were you hired as?</p> <p>9 A Label machine operator.</p> <p>10 Q And had you had any experience as</p> <p>11 a label machine operator prior to being</p> <p>12 hired five years ago?</p> <p>13 A No, I had not.</p> <p>14 Q Have you been given a level of</p> <p>15 machine operator proficiency? Do you know</p> <p>16 what I'm talking about?</p> <p>17 A Please explain.</p> <p>18 Q At some point people were</p> <p>19 assigned skill levels as to their jobs.</p> <p>20 Have you ever been given a skill level?</p> <p>21 A That was before -- I meant --</p> <p>22 sorry. I was label machine operator before</p> <p>23 that took place.</p>	<p style="text-align: right;">11</p> <p>1 A I do not recall.</p> <p>2 Q And so how long did you hold the</p> <p>3 position of supervisor?</p> <p>4 A Until December of last year.</p> <p>5 Q December of 2007?</p> <p>6 A Yes.</p> <p>7 Q And then what happened?</p> <p>8 A I became production scheduler.</p> <p>9 Q And how did that come about?</p> <p>10 A I had to apply online.</p> <p>11 Q And how did -- was -- was -- how</p> <p>12 were you made aware that there was a job</p> <p>13 opening?</p> <p>14 A There was postings at the plant.</p> <p>15 Q Do you consider the production</p> <p>16 scheduler a lateral promotion or a demotion</p> <p>17 from supervisor?</p> <p>18 A Lateral.</p> <p>19 Q Do you make more money -- did</p> <p>20 you -- strike that.</p> <p>21 Did you make more money at the time you</p> <p>22 became a production scheduler than you did</p> <p>23 as a supervisor?</p>
<p style="text-align: right;">10</p> <p>1 Q Okay. And when did that take</p> <p>2 place, if you will?</p> <p>3 A Approximately three, four years</p> <p>4 ago. I do not remember the exact time.</p> <p>5 Q Okay. So you were hired as a</p> <p>6 label machine operator. And how long did</p> <p>7 you hold that position before you became</p> <p>8 something else?</p> <p>9 A Approximately one year.</p> <p>10 Q And what happened after a year?</p> <p>11 A After that I became a supervisor.</p> <p>12 Q And how did you become a</p> <p>13 supervisor?</p> <p>14 A I -- I assume on-the-job</p> <p>15 proficiency.</p> <p>16 Q Did you apply for that job?</p> <p>17 A I do not remember filling out an</p> <p>18 application for it at that time.</p> <p>19 Q Do you -- do you recall anything</p> <p>20 about how it came about? Did somebody just</p> <p>21 come up to you and say, Chris, you're a</p> <p>22 supervisor, or do you remember how it</p> <p>23 happened?</p>	<p style="text-align: right;">12</p> <p>1 A No, I don't believe so.</p> <p>2 Q Do you make the same or about?</p> <p>3 A Yes.</p> <p>4 Q And when you say you were a</p> <p>5 supervisor, what was your title when you</p> <p>6 became a supervisor, just supervisor?</p> <p>7 A Yes.</p> <p>8 Q And who was your -- who was your</p> <p>9 direct boss?</p> <p>10 A Melvin Hutchins.</p> <p>11 Q And was that the way it was the</p> <p>12 whole time you were a supervisor?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Were you ever evaluated, your</p> <p>15 performance evaluated, by Mr. Hutchins?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Was it a written evaluation?</p> <p>18 A Yes.</p> <p>19 Q How many times would you say you</p> <p>20 were evaluated by Mr. Hutchins?</p> <p>21 A Yearly, I believe.</p> <p>22 Q Did you -- as a supervisor, did</p> <p>23 you evaluate anybody? And I -- I'm talking</p>

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<p style="text-align: right;">13</p> <p>1 about people or positions.  2 A We gave out the paper skills  3 test.  4 Q Now, when did that happen?  5 A Whenever the individual requested  6 to be tested.  7 Q At some point you said that three  8 or four years ago there started being -- was  9 it -- is that what's called pay for skills?  10 A Yes, ma'am.  11 Q And -- and was everybody tested  12 at that point to determine what level they  13 would be at?  14 A I do not recall in the beginning  15 if everybody was tested.  16 Q Were people assigned skill levels  17 at the time it was initiated?  18 A I believe they were assigned --  19 yes, I believe they were assigned in the  20 beginning.  21 Q All right. And -- and how were  22 they -- who -- who assigned them?  23 A I believe it was a -- a group</p>	<p style="text-align: right;">15</p> <p>1 level; is that right?  2 A Yes, ma'am.  3 Q And -- and when they were  4 assigned a skill level, did that -- could  5 that affect their pay?  6 A Yes, ma'am.  7 Q And how would it affect their  8 pay?  9 A Depending on what level they were  10 at, it would depend on what level pay they  11 received.  12 Q Do you recall what level Linda  13 Thornton received?  14 A No, ma'am. I don't believe I was  15 her supervisor at that time.  16 Q Do you recall -- who would have  17 been her supervisor?  18 A Fanny Ash, I believe.  19 Q Well, who decided what -- would  20 Melvin Hutchins be the ultimate decider of  21 who got what skill level?  22 A I believe it would be dependent  23 upon him and Fanny Ash.</p>
<p style="text-align: right;">14</p> <p>1 meeting with the superintendents and the  2 supervisors.  3 Q Were you at the meeting?  4 A I believe so, yes.  5 Q All right. And tell me about  6 that meeting, if you will, please, sir.  7 A I -- each label operator was  8 discussed.  9 Q And?  10 A As far as what level that it was  11 thought they should be.  12 Q Did -- and -- and -- the -- the  13 people that were in this meeting, were there  14 any females in that meeting?  15 A I believe Betty Brown was at that  16 time.  17 Q Was she a -- a label op -- I mean  18 what was her position?  19 A Supervisor.  20 Q Of?  21 A Production.  22 Q And did -- so you discussed each  23 label operator and assigned them a skill</p>	<p style="text-align: right;">16</p> <p>1 Q Well, what were the criteria for  2 the skill level estimations?  3 A I -- without them in front of me,  4 I cannot recall.  5 Q Is there a written criteria?  6 A Yes, ma'am.  7 Q And where did you see the written  8 criteria?  9 A Once it started, we were each  10 given a copy of the criteria for each one.  11 Q By whom?  12 A I believe I helped type it up,  13 but ultimately by the superintendent.  14 Q And who was that?  15 A Melvin Hutchins.  16 Q Do you recall what the criteria  17 were -- was?  18 A No, ma'am.  19 Q Well, in order to -- to get --  20 what were the -- what were the levels, one  21 through what?  22 A One through four, I believe.  23 Q And -- and did -- in order to get</p>



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<p style="text-align: right;">17</p> <p>1 a four, did one have to take a test?</p> <p>2 A Yes.</p> <p>3 Q Everyone had to take a test?</p> <p>4 A Each level had a test, brand or</p> <p>5 skill.</p> <p>6 Q So if -- if I were to look at,</p> <p>7 say, Frank Williams, he was a label operator</p> <p>8 at one time; right?</p> <p>9 A Yes, he was.</p> <p>10 Q So I am going to find a skill</p> <p>11 level test in there for him; right?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A Depending upon when he was a</p> <p>14 label operator if he would take the test.</p> <p>15 Q Well, as a team leader, was he</p> <p>16 still considered a label operator?</p> <p>17 A He could operate a label machine.</p> <p>18 Q Well, was he assigned a -- a</p> <p>19 skill level?</p> <p>20 A Not that I'm aware of.</p> <p>21 Q Well, did you assign anybody any</p> <p>22 skill levels?</p> <p>23 A I did not assign -- I do not</p>	<p style="text-align: right;">19</p> <p>1 Linda Thornton having an appeal of her skill</p> <p>2 level assignment?</p> <p>3 A I do not recall.</p> <p>4 Q Do you know how -- how long Linda</p> <p>5 had been a label operator at the time she</p> <p>6 got assigned a skill level?</p> <p>7 A No, I do not.</p> <p>8 Q But were you -- were you</p> <p>9 supervising some label operators at the time</p> <p>10 they got assignments?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Did you have any -- did you make</p> <p>13 any recommendations as to skill levels at</p> <p>14 that meeting?</p> <p>15 A Yes, I did.</p> <p>16 Q Can you remember anybody's name?</p> <p>17 A Not at that time, no, ma'am.</p> <p>18 Q You mean not -- not now that you</p> <p>19 can remember?</p> <p>20 A No.</p> <p>21 Q Tell me what the criteria for</p> <p>22 skill levels were.</p> <p>23 MS. SWAIN: Objection. Asked and</p>
<p style="text-align: right;">18</p> <p>1 assign the skill levels. After they take</p> <p>2 the test, then they would be given that</p> <p>3 skill.</p> <p>4 Q So are you telling me that if I</p> <p>5 look in -- in a label operator that's a</p> <p>6 man's, I'm going to find skill level tests?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A If they are a label machine</p> <p>9 operator after the test was given, yes, you</p> <p>10 should find a skill level test.</p> <p>11 Q I'm talking about at the -- at</p> <p>12 the get-go when y'all had the meeting and</p> <p>13 decided who was going to get what skill</p> <p>14 level.</p> <p>15 A Not at that time. Not at the</p> <p>16 beginning.</p> <p>17 Q So there were skill levels</p> <p>18 assigned to men without them taking the</p> <p>19 test; is that right?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A As I stated, they were assigned</p> <p>22 in the beginning.</p> <p>23 Q Okay. Well, do you remember</p>	<p style="text-align: right;">20</p> <p>1 answered.</p> <p>2 A Again, I -- I do not remember</p> <p>3 that.</p> <p>4 Q Well, in order to get, say, a</p> <p>5 level four, did you have to have trained</p> <p>6 someone else on a label machine?</p> <p>7 A I believe so, yes.</p> <p>8 Q And in order to train someone</p> <p>9 else on a label machine, you would expect</p> <p>10 them to at least have been a -- a level</p> <p>11 three themselves; right?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A Without them -- without it in</p> <p>14 front of me, I cannot answer that question.</p> <p>15 Q Without do what?</p> <p>16 A Without the pay for skills in</p> <p>17 front of me, I cannot answer that question.</p> <p>18 Q Well, have you ever known anybody</p> <p>19 to be able to train a operator who wouldn't</p> <p>20 have been a level three?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A Repeat that again, please.</p> <p>23 Q Have you ever put somebody to</p>

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<p style="text-align: right;">21</p> <p>1 train a operator that wouldn't have been at 2 least a label -- a level three skill? 3 MS. SWAIN: Objection. 4 A I do not recall. 5 Q Now, in the five years that you 6 have been at Flavor House, have you ever 7 received any training on how to investigate 8 a complaint by an employee? 9 A Not to investigate. 10 Q All right. Have you ever 11 investigated a complaint by a employee? 12 A That would be handled -- 13 investigate a complaint? 14 Q Yeah. 15 A Yes. I have filled out 16 documentation forms. 17 Q Okay. And -- and -- and when you 18 say you filled out documentation forms, what 19 would be the reason for you filling out 20 documentation forms? 21 A If an employee come to me and had 22 a complaint, we would fill out a 23 documentation form.</p>	<p style="text-align: right;">23</p> <p>1 investigating a complaint that you learned. 2 MS. SWAIN: Objection. 3 A Again, I would -- I do not 4 investigate the complaint. That would be 5 done by HR. 6 Q Well, you don't consider it 7 investigating to take statements of alleged 8 witnesses? 9 A I consider that documentation 10 forms. 11 Q All right. Well, look at 12 Plaintiff's Exhibit Number 1. Do you 13 recognize that, please? This is one of -- 14 we started at Ricky Smothers' deposition. 15 (Witness reviewing document.) 16 Q What is that, please, sir? 17 A Documentation form. 18 Q And did you have anything to do 19 with that documentation form getting filled 20 out? 21 A I don't know. My name is not on 22 it as supervisor. 23 Q Well, is there any supervisor's</p>
<p style="text-align: right;">22</p> <p>1 Q All right. And what would be the 2 purpose of filling out the documentation 3 form? 4 A To turn it over to HR for them to 5 investigate. 6 Q All right. So you -- have you 7 ever participated in any investigation of a 8 complaint? 9 A No more than filling out the 10 documentation forms. 11 Q Of just the complainer or of 12 other people? 13 A Of other people as well. 14 Q All right. So what would be the 15 reason for you filling out the documentation 16 forms of other people after you -- 17 A To turn in -- to turn in to HR. 18 Q Would you do the -- would you do 19 the filling out of the documentation before 20 you would go to HR or after you would go to 21 HR? 22 A Both. 23 Q Well, tell me the procedure for</p>	<p style="text-align: right;">24</p> <p>1 name on there? 2 A No, ma'am. 3 Q Well, look at Plaintiff's Exhibit 4 Number 2 and -- and tell me what this is, 5 Plaintiff's 2 to -- that we started with 6 Ricky Smothers. Now, does that have your 7 name up there? 8 A Yes, ma'am. 9 Q Do you remember that one? 10 A Let me read over it first, 11 please. 12 (Witness reviewing document.) 13 A Okay. 14 Q Did you have anything to do with 15 Plaintiff's Exhibit Number 2? 16 A Yes. 17 Q What did you have to do with it? 18 A As far as taking and writing down 19 or giving the documentation form for Linda 20 to state what happened. 21 Q All right. Well, how -- do you 22 recall how it came about that you gave her 23 the documentation form?</p>

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<p style="text-align: right;">25</p> <p>1 A No, ma'am.</p> <p>2 Q Do you -- was that part of your</p> <p>3 job?</p> <p>4 A Yes, ma'am.</p> <p>5 Q What, to give out documentation</p> <p>6 forms?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Do you recall what you did once</p> <p>9 you took -- gave out the documentation form</p> <p>10 to Linda?</p> <p>11 A I would have gave this to the HR</p> <p>12 department.</p> <p>13 Q And then what?</p> <p>14 A It was in their hands from there.</p> <p>15 Q Okay. Well, let's look at</p> <p>16 Plaintiff's Exhibit Number 3 to your</p> <p>17 deposition.</p> <p>18 MS. SWAIN: Do you have an extra</p> <p>19 copy of 3 and 4?</p> <p>20 MS. ROBERTSON: I thought I gave</p> <p>21 --</p> <p>22 MS. SWAIN: No. I just got 1 and</p> <p>23 2.</p>	<p style="text-align: right;">27</p> <p>1 Q Well, tell me what you -- what</p> <p>2 you think you told her.</p> <p>3 A I would have asked her to fill</p> <p>4 out a documentation form for incident.</p> <p>5 Q What incident?</p> <p>6 A Related to Frank Williams and to</p> <p>7 Linda Thornton.</p> <p>8 Q Would you have asked her any</p> <p>9 questions?</p> <p>10 A I would have asked if she would</p> <p>11 have seen something or heard anything that</p> <p>12 would have dealt with this incident.</p> <p>13 Q Well, anything more specific than</p> <p>14 did you hear or see anything that dealt with</p> <p>15 this incident?</p> <p>16 A No, ma'am.</p> <p>17 Q Would you have described the</p> <p>18 incident?</p> <p>19 A No, ma'am.</p> <p>20 Q So you would have just said, Give</p> <p>21 me the information that you have about this</p> <p>22 incident; is that right?</p> <p>23 A Yes.</p>
<p style="text-align: right;">26</p> <p>1 MS. ROBERTSON: I'm sorry. I</p> <p>2 believe I've got extra copies somewhere.</p> <p>3 Q Plaintiff's Exhibit Number 3,</p> <p>4 have you ever seen that before?</p> <p>5 MS. SWAIN: Is 3 Tamekia Cook or</p> <p>6 Catherine Long?</p> <p>7 MS. ROBERTSON: Tamekia Cooper.</p> <p>8 I mean Tamekia Cook. Excuse me.</p> <p>9 A Yes, ma'am.</p> <p>10 Q Did you have anything to do with</p> <p>11 Plaintiff's Exhibit Number 3?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And -- and what did you have to</p> <p>14 do with it?</p> <p>15 A I gave this to Tamekia Cook for</p> <p>16 her to fill out.</p> <p>17 Q Well, did you -- you just walk up</p> <p>18 to Tamekia and say, Here's a piece of paper,</p> <p>19 fill it out?</p> <p>20 A I would have gave her some</p> <p>21 reference to what it was for.</p> <p>22 Q Well, do you remember that?</p> <p>23 A Not exact words.</p>	<p style="text-align: right;">28</p> <p>1 Q Would you have asked her where</p> <p>2 she was during the incident?</p> <p>3 A No. I do not believe so.</p> <p>4 Q Would you have asked her whether</p> <p>5 she could see the two individuals during</p> <p>6 whatever she was reporting?</p> <p>7 A No.</p> <p>8 Q So you just said, Here, fill this</p> <p>9 piece of paper out. How would you have</p> <p>10 chosen Tamekia Cook for Plaintiff's Exhibit</p> <p>11 Number 3?</p> <p>12 A She would have been somebody on</p> <p>13 that line at that time.</p> <p>14 Q Well, do you know if somebody</p> <p>15 gave you her name?</p> <p>16 A On this documentation form, it</p> <p>17 states Tamekia asked me later what was had</p> <p>18 in it or what was the fight about.</p> <p>19 MS. SWAIN: Reference, if you</p> <p>20 would, Chris, the -- the document you're</p> <p>21 speaking of.</p> <p>22 THE WITNESS: Plaintiff's Exhibit</p> <p>23 2.</p>

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<p style="text-align: right;">29</p> <p>1 Q So you got Tamekia Cook's name</p> <p>2 from the incident report that Linda Thornton</p> <p>3 made to you?</p> <p>4 A Yes.</p> <p>5 Q Is that right? Look at</p> <p>6 Plaintiff's Exhibit Number 4 and tell me</p> <p>7 what your role in -- if you had any role in</p> <p>8 this.</p> <p>9 (Witness reviewing document.)</p> <p>10 A Okay.</p> <p>11 Q Did you?</p> <p>12 A Yes.</p> <p>13 Q And -- and did you do the same</p> <p>14 thing in the case of Ms. Long, you just</p> <p>15 handed her a piece of paper and said, Here.</p> <p>16 Do you know anything?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A I said of -- I would have</p> <p>19 referenced the incident from the</p> <p>20 documentation form from Linda Thornton.</p> <p>21 Q When you say you would have</p> <p>22 referenced it, what would you -- how would</p> <p>23 you have referenced it?</p>	<p style="text-align: right;">31</p> <p>1 out?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Do you know if you did -- if you</p> <p>4 asked Tamekia Cook and Catherine Long --</p> <p>5 well, strike that.</p> <p>6 When did you ask them to fill that</p> <p>7 documentation form out?</p> <p>8 A I believe it was the 15th.</p> <p>9 Q Did you do that pursuant to</p> <p>10 anybody's instructions or request?</p> <p>11 A I do not recall.</p> <p>12 Q Do you recall talking with anyone</p> <p>13 else?</p> <p>14 A I believe I asked the -- Wesley</p> <p>15 McGinnis, but he stated he did not hear or</p> <p>16 see anything.</p> <p>17 (Plaintiff's Exhibit Number</p> <p>18 5 was marked and attached to the</p> <p>19 deposition.)</p> <p>20 BY MS. ROBERTSON:</p> <p>21 Q Did -- well, I'll show you what's</p> <p>22 been marked as Plaintiff's Exhibit Number --</p> <p>23 MS. SWAIN: 5.</p>
<p style="text-align: right;">30</p> <p>1 MS. SWAIN: Objection. Asked</p> <p>2 answered. You can go ahead.</p> <p>3 A Would you repeat your question,</p> <p>4 please?</p> <p>5 Q You said you would have</p> <p>6 referenced it based on Plaintiff's Exhibit</p> <p>7 Number 2. What -- how would you have</p> <p>8 referenced it?</p> <p>9 A If she had witnessed the incident</p> <p>10 between Frank Williams and Linda Thornton.</p> <p>11 Q Would you have asked her anything</p> <p>12 else besides that?</p> <p>13 A No.</p> <p>14 Q You just said, Write what you --</p> <p>15 what -- if you witnessed the incident.</p> <p>16 A Yes.</p> <p>17 Q Would you have asked her where</p> <p>18 she was during the incident?</p> <p>19 A No.</p> <p>20 Q Would you have asked her what she</p> <p>21 could see or didn't see?</p> <p>22 A No.</p> <p>23 Q You just said, Here, fill this</p>	<p style="text-align: right;">32</p> <p>1 MS. ROBERTSON: I'm looking for</p> <p>2 the notebook. We had -- the tabs got</p> <p>3 into the --</p> <p>4 Q Plaintiff's Exhibit Number 5.</p> <p>5 Did you take that statement from -- from</p> <p>6 Mr. McGinnis?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Is Mr. McGinnis a supervisor?</p> <p>9 A No, ma'am. He is a maintenance</p> <p>10 mechanic.</p> <p>11 Q Did you ask -- did you ask</p> <p>12 Mr. McGinnis where he was standing?</p> <p>13 A No, ma'am.</p> <p>14 Q Did you ask him what he could</p> <p>15 see?</p> <p>16 A No, ma'am.</p> <p>17 Q Did you ask him about any</p> <p>18 specifics that were in Linda's complaint</p> <p>19 other than did you see the incident between</p> <p>20 Frank and Linda?</p> <p>21 A That's all.</p> <p>22 Q Did you have -- but you didn't --</p> <p>23 you didn't take the statement from</p>



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<p style="text-align: right;">33</p> <p>1 Mr. Williams; is that right -- what you're 2 telling me? 3 MS. SWAIN: Objection. 4 Q Remember, it didn't have your 5 name on it, Plaintiff's Exhibit Number 1. 6 A I'm not sure if I did or not. 7 Q Well, would you -- would you have 8 under ordinary circumstances taken the 9 statements of everybody but the accused? 10 MS. SWAIN: Objection. 11 A Repeat that, please. 12 Q Plaintiff's Exhibit Number 1, 13 Mr. -- Mr. Williams is the person that Linda 14 Thornton made the complaint against; 15 correct? 16 A Yes. 17 Q Would you -- in conducting an 18 investigation, would you have conducted 19 the -- given the documentation forms to 20 everybody but the accused? 21 MS. SWAIN: Objection. 22 A Normally, I would give it to 23 everybody.</p>	<p style="text-align: right;">35</p> <p>1 you have asked him specifically? 2 MS. SWAIN: Objection. 3 A The documentation forms would 4 have been turned over to the HR department. 5 Q Is that a -- is -- are you 6 telling me that no, you wouldn't have asked 7 him if he had just given you a piece of 8 paper that didn't address the issue? 9 MS. SWAIN: Objection. 10 A Again, the documentation forms 11 would have been turned over to the HR 12 department for the investigation. 13 Q So those -- so the documentation 14 forms were not part of the investigation? 15 A I'm not part of the 16 investigation. You would have to address 17 that to Leigh. 18 Q Well, you see where it says Chris 19 Jordan on Plaintiff's Exhibit Number 5? 20 What does it say that you are? 21 A Investigating supervisor. 22 Q Okay. And on Plaintiff's Exhibit 23 Number 2 where it says investigating</p>
<p style="text-align: right;">34</p> <p>1 Q All right. Do you -- do you see 2 on Plaintiff's Exhibit Number 1 anywhere 3 where Mr. Williams says he used curse words, 4 the F word or damn or any of the other words 5 that Ms. Thornton said he used? 6 A I don't see any reference to cuss 7 words, no. 8 Q All right. Do you know if 9 anybody asked him if he used any curse 10 words? 11 A I'm not sure. I did not. 12 Q You're now sure that you did not 13 ask him about the incident? 14 MS. SWAIN: Objection to the 15 characterization. 16 Q Or are you just saying that you 17 didn't ask him specifics? 18 MS. SWAIN: Objection. 19 Q I mean, I'm just -- I'm just 20 trying to find out if you were trying to 21 investigate the -- what Ms. Thornton said 22 happened and -- and Mr. Williams did not 23 address whether or not he cursed her. Would</p>	<p style="text-align: right;">36</p> <p>1 supervisor, whose name is up there? 2 A Chris Jordan. 3 Q So -- but your position is you 4 weren't doing any investigating? 5 MS. SWAIN: Objection. That's 6 not what his testimony was. 7 A We would fill out the 8 documentation forms and turn them over to 9 the HR department. 10 Q To what end? Why are you having 11 those documentation forms filled out? 12 A You would have to address that 13 with the HR department. 14 Q So you had them filled out but 15 you didn't know why they were being filled 16 out? 17 A They were being filled out for 18 the HR department to look into the incident. 19 Q Okay. Do you know what happened 20 as a result of those documentation forms 21 being filled out? 22 A No, ma'am, I do not. 23 Q Were you asked to revisit anyone</p>



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1 and ask them more specific questions after  
 2 you turned them in to HR?  
 3 A Not that I recall.  
 4 Q Do you know what happened as a  
 5 result of Linda Thornton's complaint against  
 6 Frank Williams in this case?  
 7 A No, I do not.  
 8 Q So were you in fact a supervisor  
 9 of Mr. Williams at the time?  
 10 A Yes.  
 11 Q Were you in fact a supervisor of  
 12 Ms. Thornton at the time?  
 13 A Yes, I was.  
 14 Q And you weren't told what had  
 15 happened?  
 16 A Not that I recall.  
 17 Q So if -- if he was disciplined  
 18 for doing something, you wouldn't be aware  
 19 of it?  
 20 A If I was given the -- the  
 21 disciplinary action form to have completed,  
 22 that would be my knowledge of it.  
 23 Q What -- what would be the

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1 disciplinary form we're talking about? Is  
 2 there a form that he would have been given?  
 3 A Yes.  
 4 (Plaintiff's Exhibit Number  
 5 6 was marked and attached to the  
 6 deposition.)  
 7 BY MS. ROBERTSON:  
 8 Q I'll show you what's been marked  
 9 as Plaintiff's Exhibit Number -- it will be  
 10 6 if I can quit losing those little tabs.  
 11 MS. SWAIN: Do you have an extra  
 12 one of those?  
 13 MS. ROBERTSON: Sure.  
 14 Q Plaintiff's Exhibit Number 6.  
 15 Now, what is this, please, sir?  
 16 A First time I've seen it.  
 17 Q Okay. It says resolution. Frank  
 18 Williams was given a disciplinary warning.  
 19 Linda Thornton was moved to line five label  
 20 operator. Were you aware that she was moved  
 21 to line five?  
 22 A Yes.  
 23 Q How did you become aware of that?

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1 A I actually took her to line five  
 2 label machine.  
 3 Q Were you aware that Frank  
 4 Williams was given a disciplinary warning?  
 5 A No.  
 6 Q Well, what did you tell  
 7 Ms. Thornton was the reason she was being  
 8 moved to line five?  
 9 A I had been instructed to move her  
 10 to line five.  
 11 Q By whom?  
 12 A I believe it was Melvin Hutchins.  
 13 Q Do you know if Frank Williams was  
 14 written up again for cursing at a woman  
 15 about a month later?  
 16 A Repeat that question, please.  
 17 Q Do you know if Mr. Williams was  
 18 written up about a month later for cursing  
 19 at Jonnie?  
 20 A I do at this time, yes.  
 21 Q Okay. And how did you become  
 22 aware of that?  
 23 A I -- I do not recall.

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1 Q You don't recall how you became  
 2 aware of it?  
 3 A No.  
 4 Q Did you have anything to do with  
 5 getting documentation forms filled out in  
 6 that incident?  
 7 A I may have.  
 8 Q Were you asked to make any  
 9 recommendations about how he -- how  
 10 Mr. Williams should be disciplined?  
 11 A That was not -- that was for the  
 12 HR department to decide.  
 13 Q So that would have been  
 14 Mr. Nance?  
 15 A I believe he was there at the  
 16 time, yes.  
 17 (Plaintiff's Exhibit Number  
 18 7 was marked and attached to the  
 19 deposition.)  
 20 BY MS. ROBERTSON:  
 21 Q Okay. Plaintiff's Exhibit Number  
 22 7, have you seen this, please, sir?  
 23 (Witness reviewing document.)

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<p style="text-align: right;">41</p> <p>1 A I do not remember this e-mail.  2 (Plaintiff's Exhibit Number  3 8 was marked and attached to the  4 deposition.)  5 BY MS. ROBERTSON:  6 Q Well, let me show you this.  7 You -- this, Plaintiff's Exhibit Number 8.  8 (Witness reviewing document.)  9 A Yes, ma'am.  10 Q What is that, please, sir?  11 A That's an e-mail to Leigh Allums  12 in payroll about the passing of a pay for  13 skills test.  14 Q And who's the e-mail from, sir?  15 A Me.  16 Q All right. And do you know if  17 you gave Ms. Thornton some skill test as a  18 result of Plaintiff's Number 7?  19 A It says that she has passed the  20 first three levels, yes.  21 Q Okay. Can you -- so now do you  22 remember that she appealed her being  23 assigned a level one operator?</p>	<p style="text-align: right;">43</p> <p>1 she was holding a job title of label  2 operator?  3 A Yes, ma'am.  4 Q And do you see down there Ms. --  5 Melvin Hutchins' signature?  6 A Yes.  7 Q On 3/11/02?  8 A Yes.  9 Q And do you see where it says she  10 had become a complete operator; she does a  11 good job and listens very well?  12 A Yes.  13 Q So in '02 she was a complete  14 label operator; correct?  15 MS. SWAIN: Objection.  16 Q According to Mr. Hutchins.  17 A According to Mr. Hutchins.  18 Q Do you have any idea how she got  19 an assignment of a level one operator in  20 2006?  21 MS. SWAIN: Objection.  22 A Repeat your question, please.  23 Q Do you have any idea based on --</p>
<p style="text-align: right;">42</p> <p>1 A I do not remember seeing this. I  2 didn't know if it came from me or went  3 straight to somebody else in HR.  4 Q Okay. Well, did you know at some  5 time that she had been given a -- given a  6 level one operator assignment?  7 A According to this, she has, yes.  8 Q All right. And -- and -- and  9 tell me, do you know how long she had been  10 an operator at the time she was given level  11 one?  12 A No, I do not.  13 (Plaintiff's Exhibit Number  14 9 was marked and attached to the  15 deposition.)  16 BY MS. ROBERTSON:  17 Q Well, let's look at Plaintiff's  18 Exhibit Number 9. What's the date on that?  19 A 4/22/02.  20 Q And do you know that Linda  21 Thornton's maiden name is Parrish?  22 A Yes.  23 Q And do you see that it says that</p>	<p style="text-align: right;">44</p> <p>1 on the fact that Mr. Hutchins thought she  2 was a complete operator, label operator, in  3 2002 and he was the person leading the group  4 of assigning levels, how Ms. Thornton would  5 have gotten a level one operator in 2002?  6 MS. SWAIN: Objection.  7 A When this was dated, 3/11/02, we  8 had no pay for skills test at that time.  9 I'm not sure what has transpired from '02 to  10 '06.  11 Q Well, did you -- were you  12 apprised of that when y'all were having this  13 meeting about how to assign the levels?  14 A I was --  15 MS. SWAIN: Objection.  16 A At the time, Linda did not work  17 for me. She worked for Fanny Ash.  18 Q My question is, when y'all were  19 having the discussions in the meetings and  20 Mr. Hutchins was there, the superintendent,  21 did y'all discuss how you would assign skill  22 levels?  23 A I do not recall.</p>

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<p style="text-align: right;">45</p> <p>1 Q Well, what was the purpose of the</p> <p>2 meeting, sir?</p> <p>3 A Discussion of the label operators</p> <p>4 and pay for skills.</p> <p>5 Q And -- and what did y'all</p> <p>6 discuss?</p> <p>7 A Their skills as a label operator.</p> <p>8 Q Was Mr. Cassady in that meeting?</p> <p>9 A I do not recall.</p> <p>10 (Plaintiff's Exhibit Number</p> <p>11 10 was marked and attached to the</p> <p>12 deposition.)</p> <p>13 BY MS. ROBERTSON:</p> <p>14 Q Because look at Plaintiff's</p> <p>15 Exhibit Number 10, please, sir. This is</p> <p>16 dated November of '02. What is that?</p> <p>17 MS. SWAIN: Can I get a copy of</p> <p>18 that, please?</p> <p>19 MS. ROBERTSON: I thought I just</p> <p>20 gave it to you. I'm sorry. Here it is.</p> <p>21 A Personnel action notice.</p> <p>22 Q That's in November of '02; right?</p> <p>23 A Yes.</p>	<p style="text-align: right;">47</p> <p>1 Plaintiff's Exhibit Number --</p> <p>2 MS. SWAIN: 7.</p> <p>3 Q -- 7 appealing her getting an 01,</p> <p>4 a level one, who was the one who decided she</p> <p>5 had to take tests?</p> <p>6 MS. SWAIN: Objection.</p> <p>7 A I'm not sure.</p> <p>8 Q Well, did you -- did you hear</p> <p>9 anybody decide she had to get -- take tests?</p> <p>10 A I'm not sure.</p> <p>11 (Plaintiff's Exhibit Number</p> <p>12 11 was marked and attached to the</p> <p>13 deposition.)</p> <p>14 BY MS. ROBERTSON:</p> <p>15 Q Plaintiff's Exhibit Number --</p> <p>16 MS. SWAIN: 11.</p> <p>17 Q -- 11. Have you ever seen this,</p> <p>18 please, sir?</p> <p>19 (Witness reviewing document.)</p> <p>20 A The first time I've seen that.</p> <p>21 (Plaintiff's Exhibit Number</p> <p>22 12 was marked and attached to the</p> <p>23 deposition.)</p>
<p style="text-align: right;">46</p> <p>1 Q And she was a label operator,</p> <p>2 filler operator in '02 working for Bruce</p> <p>3 Cassady and Melvin Hutchins; right?</p> <p>4 A That is correct.</p> <p>5 Q Now, before she was given a level</p> <p>6 of four, she had to take tests, did she not?</p> <p>7 A Yes.</p> <p>8 Q Why?</p> <p>9 A To go from a level one to a level</p> <p>10 two, you must take a test.</p> <p>11 Q But why was she given a level one</p> <p>12 when she had been being a full and complete</p> <p>13 operator since November of '02?</p> <p>14 MS. SWAIN: Objection. Ann, he's</p> <p>15 answered that question repeatedly to the</p> <p>16 best of his ability and told you he</p> <p>17 wasn't the one that made the decision.</p> <p>18 MS. ROBERTSON: But he was there</p> <p>19 when the decisions were made; right?</p> <p>20 A Yes.</p> <p>21 Q And -- and when you received the</p> <p>22 appeal, who made the decision that she would</p> <p>23 have to take tests. When you received</p>	<p style="text-align: right;">48</p> <p>1 BY MS. ROBERTSON:</p> <p>2 Q Plaintiff's Exhibit Number 12.</p> <p>3 Is that your signature there, please, sir?</p> <p>4 MS. SWAIN: Can I have a copy,</p> <p>5 Ann?</p> <p>6 MS. ROBERTSON: Sure.</p> <p>7 A Yes, ma'am.</p> <p>8 Q Do you recall authorizing Linda</p> <p>9 Thornton to go home because of blood</p> <p>10 pressure problems in April of '06?</p> <p>11 A I don't -- don't recall other</p> <p>12 than this is my signature for this vacation</p> <p>13 request.</p> <p>14 Q Have you ever sent Linda Thornton</p> <p>15 to get her blood pressure taken?</p> <p>16 A I believe we've had to take it at</p> <p>17 the plant on one occasion, maybe twice. I'm</p> <p>18 not sure.</p> <p>19 Q And -- and how -- did -- did you</p> <p>20 take it or did someone else take it?</p> <p>21 A I do not recall.</p> <p>22 Q Do you recall how that came</p> <p>23 about, you had taken her blood pressure?</p>

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<p style="text-align: right;">49</p> <p>1 A No, I do not.  2 (Plaintiff's Exhibit Number  3 13 was marked and attached to the  4 deposition.)  5 BY MS. ROBERTSON:  6 Q Plaintiff's Exhibit Number 13.  7 MS. ROBERTSON: I just covered up  8 the copy.  9 Q Have you ever seen that before,  10 please?  11 A Yes.  12 MS. TRUEBLOOD: Is that the same  13 one that he has? I'm just asking  14 because there's unmarked copies in  15 there.  16 MS. ROBERTSON: Yeah.  17 Q It says, I spoke with Linda  18 Thornton today about missing work and not  19 being on the line due to her medical  20 problem. Are you talking about her blood  21 pressure?  22 A I do not recall what I referred  23 to as her medical problem.</p>	<p style="text-align: right;">51</p> <p>1 A She had blood pressure problems.  2 I'm not sure what they were from.  3 Q Do you recall having a  4 conversation first with her about the  5 problems that she had with Mr. Williams  6 before April of '06?  7 MS. SWAIN: Objection.  8 A Can you repeat that, please?  9 Q Do you recall having any  10 conversations with Ms. William -- I mean  11 with Ms. Thornton about having problems with  12 Mr. Williams and the way he talked to her  13 prior to April of '06?  14 A Not that I recall.  15 Q Were you in a counseling meeting  16 with Ms. Thornton in January of '06 where  17 you also told Mr. Williams he needed -- that  18 they needed to work on their dispute  19 resolution? That is him screaming at her  20 about the way she did her work.  21 MS. SWAIN: Objection.  22 A I don't recall that, no.  23 MS. ROBERTSON: I don't know, but</p>
<p style="text-align: right;">50</p> <p>1 Q Well, look at Plaintiff's Exhibit  2 Number 12, which is dated the same date.  3 Maybe not. Yeah, it's the same date as the  4 memo.  5 A Yes, I approved it on the same  6 day.  7 Q And so was it the -- the blood  8 pressure problem that you were discussing  9 with her?  10 A Could have been. I don't  11 remember.  12 Q Do you recall that she started  13 having blood pressure problems after having  14 complained to you about Frank Williams  15 and -- and she said she would just not talk  16 to him anymore?  17 MS. SWAIN: Objection.  18 Q Just -- just take his abuse?  19 MS. SWAIN: Objection.  20 A Could you repeat that, please?  21 Q Do you recall her having blood  22 pressure problems after -- after having  23 talked to you about Frank Williams?</p>	<p style="text-align: right;">52</p> <p>1 I -- I only seem to have one copy of  2 this. I must have shown it --  3 MS. SWAIN: Let me tell you  4 what --  5 MS. ROBERTSON: Let me show it to  6 you.  7 (Plaintiff's Exhibit Number  8 14 was marked and attached to the  9 deposition.)  10 BY MS. ROBERTSON:  11 Q Plaintiff's 14, what is that,  12 please, sir?  13 A That's another documentation  14 form.  15 Q How did that documentation form  16 come about?  17 A From the incident on  18 February 16th.  19 Q In fact, did not Linda Thornton  20 approach you and Mr. Hutchins and say Frank  21 Williams has come up to me and said I'm  22 telling people he's a sex -- a child  23 molester and I want to report it?</p>



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<p style="text-align: right;">53</p> <p>1 A That's what it looks like, yes.</p> <p>2 Q Okay. And -- and she said he's</p> <p>3 doing this after I had conversations with</p> <p>4 Melvin Hutchins about problems with Frank</p> <p>5 and line three work situations. Did you ask</p> <p>6 Mr. Hutchins what -- what kind of</p> <p>7 conversations he had had with -- with</p> <p>8 Ms. Thornton about Frank Williams?</p> <p>9 A Not that I recall.</p> <p>10 Q So you don't know what the</p> <p>11 conversation was with Mr. Hutchins?</p> <p>12 A Not that I recall, no.</p> <p>13 Q But what did Ms. Thornton -- when</p> <p>14 you made this documentation, what did</p> <p>15 Ms. Thornton want you to do about the fact</p> <p>16 that he was going around telling other</p> <p>17 people -- telling her that she was telling</p> <p>18 people he was a child molester?</p> <p>19 A I don't recall.</p> <p>20 Q What did you do?</p> <p>21 A I turned this over to the HR</p> <p>22 department.</p> <p>23 Q Now, did you do anything after</p>	<p style="text-align: right;">55</p> <p>1 A That's what I've heard, yes.</p> <p>2 Q In fact, he pled guilty to having</p> <p>3 deviant sexual intercourse with a 10 year</p> <p>4 old, did he not?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I do not know the details.</p> <p>7 Q And he pled guilty to having</p> <p>8 sexual intercourse with a 13 year old, did</p> <p>9 he not?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A I do not know the details.</p> <p>12 Q Do you know he went to prison for</p> <p>13 four years?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A I do not know the details of it.</p> <p>16 Q Do -- do -- do you know now that</p> <p>17 he went to prison for four years?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A Only what you've just told me.</p> <p>20 Q Nobody has told you before?</p> <p>21 A No, not that I recall.</p> <p>22 Q Did you do any investigating at</p> <p>23 the time when he was saying that Linda</p>
<p style="text-align: right;">54</p> <p>1 that relative to this situation?</p> <p>2 A Not that I recall.</p> <p>3 Q Is that your handwriting down at</p> <p>4 the bottom where it says Plaintiff's Exhibit</p> <p>5 14, Mike Beard present in smoking area?</p> <p>6 A No, ma'am. That does not look</p> <p>7 like my handwriting.</p> <p>8 Q Do you know if -- did -- did</p> <p>9 Ms. Thornton tell you that -- anything about</p> <p>10 what Ms. Williams -- Mr. Williams was</p> <p>11 talking about when he said that she was</p> <p>12 going around telling people he was a child</p> <p>13 molester?</p> <p>14 A Can you repeat that, please?</p> <p>15 Q Did she tell you anything about</p> <p>16 the situate -- the circumstances around --</p> <p>17 surrounding what Frank Williams was</p> <p>18 complaining about when he came to her and</p> <p>19 said she was telling people he was a child</p> <p>20 molester?</p> <p>21 A Not that I recall.</p> <p>22 Q Frank Williams is a child</p> <p>23 molester, is he not?</p>	<p style="text-align: right;">56</p> <p>1 Thornton was saying he was a child molester</p> <p>2 to see if in fact he was in fact a child</p> <p>3 molester?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A The HR department received the</p> <p>6 documentation form.</p> <p>7 Q So the answer to that is you --</p> <p>8 did you do any investigation about whether</p> <p>9 or not Frank Williams was in fact a child</p> <p>10 molester?</p> <p>11 A No more than filling out the</p> <p>12 documentation form.</p> <p>13 Q Did you have any conversations</p> <p>14 with the HR people? I'm assuming we're</p> <p>15 talking about Tommy Nance.</p> <p>16 A Yes.</p> <p>17 Q What, do you just take the piece</p> <p>18 of paper and take it up to Mr. Nance and</p> <p>19 just give it to him?</p> <p>20 A I would give it to a member of</p> <p>21 the HR department.</p> <p>22 Q And anything else?</p> <p>23 A No.</p>



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<p style="text-align: right;">57</p> <p>1 Q Did you -- did you ask</p> <p>2 Ms. Thornton why she was reporting this</p> <p>3 particular thing to you and Mr. Hutchins?</p> <p>4 A Not that I recall.</p> <p>5 Q Do you think that she was trying</p> <p>6 to tell you that she thought he was</p> <p>7 retaliating against her because she had</p> <p>8 discussed with Mr. Hutchins matters</p> <p>9 involving him previously?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A Not that I recall, no.</p> <p>12 Q Did you have any conversation as</p> <p>13 to why she wanted to fill this -- why you</p> <p>14 had her fill this form out?</p> <p>15 A Repeat that, please.</p> <p>16 Q Well, I mean, you give her this</p> <p>17 piece of paper to fill out; is that right?</p> <p>18 A Yes.</p> <p>19 Q Were you just talking around and</p> <p>20 apropos of nothing handing out pieces of</p> <p>21 paper that said documentation form?</p> <p>22 MS. SWAIN: Objection. He's</p> <p>23 already testified as to why he asked her</p>	<p style="text-align: right;">59</p> <p>1 MS. SWAIN: Objection.</p> <p>2 A The documentation form was</p> <p>3 completed and turned in to HR.</p> <p>4 Q And that's all that you did was</p> <p>5 hand her a piece of paper?</p> <p>6 MS. SWAIN: Objection.</p> <p>7 Q Is that right?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A A documentation form was</p> <p>10 completely filled out.</p> <p>11 Q What did you ask her to do in</p> <p>12 terms of filling out the documentation form?</p> <p>13 A Please explain.</p> <p>14 Q Did you -- when you -- when she</p> <p>15 came up and -- was it you and Mr. Hutchins</p> <p>16 that she was talking to or was it just you?</p> <p>17 A It says Melvin Hutchins was</p> <p>18 present.</p> <p>19 Q Okay. So she comes up to you and</p> <p>20 Mr. Hutchins in the hallway of production.</p> <p>21 And what does she say?</p> <p>22 A Apparently, there was an issue</p> <p>23 between her and Frank Williams.</p>
<p style="text-align: right;">58</p> <p>1 to fill out the form.</p> <p>2 Q Well, why did you?</p> <p>3 MS. ROBERTSON: Excuse me. I</p> <p>4 missed that.</p> <p>5 Q Why did you ask her to fill out</p> <p>6 the form?</p> <p>7 A She stated there was an incident</p> <p>8 and it was documented.</p> <p>9 Q All right. What -- what did</p> <p>10 she -- what else -- did she just say there</p> <p>11 was an incident?</p> <p>12 A I do not recall exact -- exactly</p> <p>13 what she said.</p> <p>14 Q Did you make any notes about what</p> <p>15 she said to you when she came to you and</p> <p>16 said there was an incident involving Frank</p> <p>17 Williams?</p> <p>18 A Nothing other than this</p> <p>19 documentation form.</p> <p>20 Q So you didn't make any notes.</p> <p>21 You didn't ask any questions. You didn't</p> <p>22 try to delve into what her complaint was.</p> <p>23 Is that right?</p>	<p style="text-align: right;">60</p> <p>1 Q No. I didn't ask you what</p> <p>2 apparently. I said what did she say to you?</p> <p>3 A I do not recall.</p> <p>4 Q Did you make any notes?</p> <p>5 MS. SWAIN: Objection. He's</p> <p>6 already answered that.</p> <p>7 A Nothing other than this</p> <p>8 documentation form.</p> <p>9 Q And then when she filled it out,</p> <p>10 what, if anything, did you do?</p> <p>11 A Turned it over to the HR</p> <p>12 department.</p> <p>13 Q Okay. And that's all you did.</p> <p>14 You didn't talk to the HR department?</p> <p>15 A Not that I recall.</p> <p>16 Q Did Ms. Thornton complain to you</p> <p>17 again about something that had to do with</p> <p>18 Mr. -- Mr. Jordan -- I mean Mr. Williams</p> <p>19 and -- and the child molester incident?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A Repeat that again, please.</p> <p>22 (Plaintiff's Exhibit Number</p> <p>23 15 was marked and attached to the</p>

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<p style="text-align: right;">61</p> <p>1 deposition.)</p> <p>2 BY MS. ROBERTSON:</p> <p>3 Q Well, look at Plaintiff's Exhibit</p> <p>4 Number 15.</p> <p>5 (Witness reviewing document.)</p> <p>6 A What was your question again,</p> <p>7 please?</p> <p>8 Q What is Plaintiff's Exhibit</p> <p>9 Number -- what did I number that?</p> <p>10 A 15.</p> <p>11 Q All right. Did you have anything</p> <p>12 to do with this?</p> <p>13 A Yes. It looks like I was the</p> <p>14 supervisor.</p> <p>15 Q Okay. And is -- is any of that</p> <p>16 your handwriting?</p> <p>17 A The date of incident and who was</p> <p>18 involved looks like my handwriting, those</p> <p>19 four or five lines there.</p> <p>20 Q So the date of incident, Linda</p> <p>21 was told 2/28/06, what is that talking</p> <p>22 about? Is that when she said that the</p> <p>23 threats were made?</p>	<p style="text-align: right;">63</p> <p>1 Q Can you tell me why you would ask</p> <p>2 her when it happened, where it happened</p> <p>3 and -- and not ask her what the comments</p> <p>4 were?</p> <p>5 MS. SWAIN: Objection. He didn't</p> <p>6 testify that he asked her when it</p> <p>7 happened and where it happened.</p> <p>8 MS. ROBERTSON: Well, he --</p> <p>9 that's his handwriting.</p> <p>10 Q Did someone else ask her and you</p> <p>11 just wrote it in?</p> <p>12 MS. SWAIN: She could have just</p> <p>13 shared it.</p> <p>14 A I do not recall.</p> <p>15 Q Did you do anything after you</p> <p>16 received Plaintiff's Exhibit Number 15 other</p> <p>17 than just hand it to HR?</p> <p>18 A Not that I recall.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 16 was marked and attached to the</p> <p>21 deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q Did you ever -- Plaintiff's</p>
<p style="text-align: right;">62</p> <p>1 A I do not recall.</p> <p>2 Q But that's your handwriting?</p> <p>3 A Yes.</p> <p>4 Q And where it took place, is that</p> <p>5 your handwriting?</p> <p>6 A Yes.</p> <p>7 Q And it said, When did it take</p> <p>8 place? And you've got, After work. Is that</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q So you must have asked her some</p> <p>12 questions in order to fill those little</p> <p>13 blanks out, did you not?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A I can't recall.</p> <p>16 Q Well, did you do anything to --</p> <p>17 to memorialize what -- why you -- she came</p> <p>18 to you?</p> <p>19 A I had her fill out the</p> <p>20 documentation form.</p> <p>21 Q Did you ask her what the threats</p> <p>22 and comments were?</p> <p>23 A I don't recall.</p>	<p style="text-align: right;">64</p> <p>1 Exhibit Number 16, what is that, please,</p> <p>2 sir?</p> <p>3 (Witness reviewing document.)</p> <p>4 A That's another documentation</p> <p>5 form.</p> <p>6 Q Okay. How did -- how did this</p> <p>7 documentation form come about? Did you</p> <p>8 approach Mr. Williams about the complaints</p> <p>9 that Ms. Thornton had made to you that's</p> <p>10 contained in Plaintiff's Exhibit Number 14?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 A Can you repeat that question</p> <p>13 again, please?</p> <p>14 Q Well, how did Plaintiff's Exhibit</p> <p>15 Number 16 come about?</p> <p>16 A I'm not sure. I'm not sure</p> <p>17 why -- how it came about as far as why we</p> <p>18 started the documentation form.</p> <p>19 Q Well, you said -- you said that</p> <p>20 Linda came up to you and -- and -- and said</p> <p>21 she want -- that -- said that she wanted to</p> <p>22 complain about something that Mr. Williams</p> <p>23 did, and you told her to fill out</p>

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<p style="text-align: right;">65</p> <p>1 Plaintiff's 14; is that right?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 A I do not recall whose was first</p> <p>4 as far as documentation form.</p> <p>5 Q Well, did you not make any kind</p> <p>6 of notation that -- that -- that -- who came</p> <p>7 first?</p> <p>8 A I don't see anything on there,</p> <p>9 no.</p> <p>10 Q Well, do you know if you -- if</p> <p>11 you approached either one of them and asked</p> <p>12 them for their -- their version after you</p> <p>13 received the complaint from the other?</p> <p>14 A Repeat that again, please.</p> <p>15 Q Well, you see, it looks like --</p> <p>16 but, you know -- on Plaintiff's Exhibit</p> <p>17 Number 14 that Ms. Thornton came to y'all</p> <p>18 and complained that Mr. Williams had come up</p> <p>19 to her and said people were saying that she</p> <p>20 had called him a child molester; is that</p> <p>21 what -- right?</p> <p>22 A Please, again.</p> <p>23 MS. SWAIN: I'm going to object</p>	<p style="text-align: right;">67</p> <p>1 Q -- if all you do is take it to</p> <p>2 HR?</p> <p>3 MS. SWAIN: Objection. He's</p> <p>4 already answered that question.</p> <p>5 A I do not recall which came first.</p> <p>6 Q Well, down here on Plaintiff's</p> <p>7 Exhibit Number 16, Mr. Williams'</p> <p>8 documentation, he says, Jewel Sidely came up</p> <p>9 to me in the hallway and told me that Linda</p> <p>10 Thornton was outside telling everyone that I</p> <p>11 was a child molester and my brother's wife's</p> <p>12 daughter was my girlfriend. This is</p> <p>13 harassment and I don't like it. I don't</p> <p>14 start trouble. What happened 15 years ago</p> <p>15 is none of her business.</p> <p>16 So Mr. -- Mr. Williams is -- is</p> <p>17 confessing to being a child molester. He</p> <p>18 just says because it happened 15 years ago,</p> <p>19 it's not a problem. Isn't that what he's</p> <p>20 saying?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A That is his statement.</p> <p>23 Q Right. And so he's saying I'm a</p>
<p style="text-align: right;">66</p> <p>1 to the characterization.</p> <p>2 Q Well, is that -- that's what you</p> <p>3 said before; right?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A I do not remember.</p> <p>6 Q Well --</p> <p>7 MS. SWAIN: That's not what he</p> <p>8 said before.</p> <p>9 Q And you said that I just took it</p> <p>10 up to HR. Is that what you said?</p> <p>11 A After they're completed, yes, I</p> <p>12 take them to HR.</p> <p>13 Q And now it looks like on</p> <p>14 Plaintiff's Exhibit Number 16 you talked to</p> <p>15 Mr. Williams about this allegation; correct?</p> <p>16 A On the 16th, yes.</p> <p>17 Q Did -- did -- did he come up to</p> <p>18 you also and make that complaint or did you</p> <p>19 go back to him based on something HR told</p> <p>20 you or how did you end up having two of</p> <p>21 these things on the same date with your name</p> <p>22 on them --</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">68</p> <p>1 child molester but it happened 15 years ago</p> <p>2 so she should -- it shouldn't be any of her</p> <p>3 business. Isn't that right?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A Again, that's his statement.</p> <p>6 Q So at that point, you knew</p> <p>7 Mr. Williams was a child molester because he</p> <p>8 told you so in Plaintiff's Exhibit Number</p> <p>9 16; right?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 Q Isn't that right?</p> <p>12 A It was turned over to the HR</p> <p>13 department.</p> <p>14 Q Do you know if Mr. Williams was</p> <p>15 fired for being a child -- or asked to</p> <p>16 resign for being a child molester?</p> <p>17 A I was not there for that.</p> <p>18 Q Well, were you talked to about</p> <p>19 maybe having to escort him if -- when he was</p> <p>20 asked to resign?</p> <p>21 A Repeat that again, please.</p> <p>22 Q Were you ever talked to by Mary</p> <p>23 Ann Boyer about having to take Mr. Williams</p>

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<p style="text-align: right;">69</p> <p>1 out if -- if he was asked to resign?</p> <p>2 A I don't believe so.</p> <p>3 Q Okay. So do you know that</p> <p>4 Mr. Williams was asked to resign?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I do know -- I know he no longer</p> <p>7 works there.</p> <p>8 Q Do you know he was asked to</p> <p>9 resign?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A I do not under -- I do not recall</p> <p>12 why he was no longer employed.</p> <p>13 Q Okay. But you knew somebody</p> <p>14 knew. HR knew because he confessed to it on</p> <p>15 February of '06 that he was a child</p> <p>16 molester. He just did it a long time ago;</p> <p>17 right?</p> <p>18 MS. SWAIN: Objection. You don't</p> <p>19 have to answer that. I mean, she's just</p> <p>20 arguing with you.</p> <p>21 Q Well, did -- when you read that,</p> <p>22 what was your reaction to Plaintiff's</p> <p>23 Exhibit Number 16?</p>	<p style="text-align: right;">71</p> <p>1 don't think it's anybody's business because</p> <p>2 it happened a long time ago?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 Q Is that something -- a regular</p> <p>5 thing that happens? Have you got a lot of</p> <p>6 child molesters out there?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 Q Sir?</p> <p>9 A No.</p> <p>10 Q Okay. But you -- you kept one</p> <p>11 from 2006 to when did Mr. Williams resign?</p> <p>12 A I'm not sure.</p> <p>13 Q Did -- did Ms. Thornton ever tell</p> <p>14 you she was afraid of Mr. Williams?</p> <p>15 A Not that I recall.</p> <p>16 Q Would you have been afraid of a</p> <p>17 child molester working among you?</p> <p>18 A Repeat that again.</p> <p>19 Q Would you -- did you like it</p> <p>20 having a child molester working among you?</p> <p>21 A I don't remember having an</p> <p>22 opinion on that.</p> <p>23 Q Do you know that he went to</p>
<p style="text-align: right;">70</p> <p>1 A I took it to the HR department.</p> <p>2 Q You didn't have any reaction?</p> <p>3 A I don't recall at this time what</p> <p>4 my reaction was.</p> <p>5 Q Are you having problems with your</p> <p>6 memory, Mr. Jordan? Did you get a good</p> <p>7 night's sleep?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A Yes.</p> <p>10 Q Are you any -- on any medication</p> <p>11 that would affect your memory?</p> <p>12 A No.</p> <p>13 Q Do you have a lot of people</p> <p>14 reporting to you on a regular basis that</p> <p>15 they're child molesters but it -- they --</p> <p>16 nobody should worry about it because it</p> <p>17 happened a long time ago?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 Q Sir?</p> <p>20 A Can you state that again, please?</p> <p>21 Q I said do you have a lot of</p> <p>22 people at Flavor House admitting that</p> <p>23 they're child molesters except that they</p>	<p style="text-align: right;">72</p> <p>1 prison for four years?</p> <p>2 MS. SWAIN: Objection. You've</p> <p>3 already been through that with him, Ann.</p> <p>4 Q Do you know that now?</p> <p>5 MS. SWAIN: He's already</p> <p>6 testified that he does from your</p> <p>7 questions. The only way he knows is</p> <p>8 from --</p> <p>9 MS. ROBERTSON: Oh, okay.</p> <p>10 MS. SWAIN: So we don't need to</p> <p>11 keep going over it.</p> <p>12 MS. ROBERTSON: All right.</p> <p>13 BY MS. ROBERTSON:</p> <p>14 Q What -- what line is jar line?</p> <p>15 Can you tell me what a label operator on the</p> <p>16 jar -- what are the jar lines?</p> <p>17 A Lines one and two.</p> <p>18 Q Do you know if Ms. Thornton ever</p> <p>19 worked at line one or two?</p> <p>20 A Yes.</p> <p>21 Q When did she work on line one?</p> <p>22 A That's where she was the majority</p> <p>23 of the time when she worked for Fanny Ash.</p>



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<p style="text-align: right;">73</p> <p>1 Q Okay. So -- what about a can 2 line? Has she ever worked on a can line? 3 A Yes. 4 Q When did she work on a can line? 5 A I don't recall exact dates, but 6 that's whenever I was her supervisor for 7 line three. 8 Q Okay. Was it before the -- the 9 skill test? 10 A The -- 11 Q What -- that she had to take the 12 skill test? What is Plaintiff's Exhibit -- 13 A I believe she was on line three 14 when she took the skills test. 15 Q Do you know how long she had been 16 on that? 17 A I do not remember. 18 Q Was it -- was it like a year? 19 A Possibly. 20 (Plaintiff's Exhibit Number 21 17 was marked and attached to the 22 deposition.) 23</p>	<p style="text-align: right;">75</p> <p>1 A I'm sorry. Repeat your question. 2 Q Well, what does a label operator 3 do? 4 A Operate a label machine on the 5 line. 6 Q Okay. And if somebody can't 7 do -- the labels are important in this 8 business, aren't they? 9 A Yes. 10 Q And so you wouldn't have somebody 11 working over a year on the can line if she 12 couldn't do the job, would you? 13 MS. SWAIN: Objection. 14 A They would have -- if they 15 couldn't do the job, there would have been 16 disciplinary actions to go with it. 17 Q And -- and you would have been 18 the one who gave the disciplinary action? 19 A If it occurred on my line, yes. 20 Q Did you -- and -- and if it 21 was -- if she couldn't do the job, you would 22 fire her, wouldn't you? 23 MS. SWAIN: Objection.</p>
<p style="text-align: right;">74</p> <p>1 BY MS. ROBERTSON: 2 Q What is Plaintiff's Exhibit 3 Number 17? 4 MS. SWAIN: Can I get a copy of 5 Exhibit 17? 6 MS. ROBERTSON: Sure. 7 MS. SWAIN: Thank you. 8 A It's a can line test for a label 9 operator. 10 Q Okay. Now -- and that was given 11 to her on May of '06? 12 A Yes. 13 Q And how long do you think she had 14 been working on the can line under your 15 supervision in May of '06? 16 A I do not know right now. 17 Q If she couldn't have operated the 18 line, you would have fired her, would you 19 not? 20 MS. SWAIN: Objection. 21 Q I mean, you wouldn't have a label 22 operator who couldn't do the job, would you? 23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">76</p> <p>1 A I wouldn't. The HR department 2 might. 3 (Plaintiff's Exhibit Number 4 18 was marked and attached to the 5 deposition.) 6 BY MS. ROBERTSON: 7 Q Plaintiff's Exhibit Number 18, 8 what's that? 9 A It's a label operator test for 10 the jar line. 11 Q Were you there in June of '04? 12 A I believe I was. 13 Q What were you doing in '04? 14 A I do not recall if I was a label 15 machine operator or a supervisor. 16 Q Were you there when somebody 17 threw peanuts at -- a jar of peanuts at 18 Linda Thornton? 19 MS. SWAIN: Objection. 20 A I don't recall. 21 Q Can you think of any reason why 22 somebody -- that would justify somebody 23 throwing a jar of peanuts at another line</p>



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1 worker?

2 MS. SWAIN: Objection.

3 A No.

4 Q Would you consider that

5 dangerous?

6 MS. SWAIN: Objection.

7 A Yes.

8 Q Are you -- I need to ask you. Do

9 you curse, Mr. Jordan? I mean, some people

10 do some. Some people don't.

11 A Yes.

12 Q If somebody threw a jar of

13 peanuts at you on the line, would you curse

14 them?

15 MS. SWAIN: Objection.

16 A I'd have to be in that situation.

17 I don't know.

18 MS. ROBERTSON: I don't know if I

19 have more than one copy of this. I

20 should, though.

21 Q I am going to show you this

22 except I don't seem to know where my copies

23 are. Plaintiff's --

78

1 MS. ROBERTSON: Is it over there?

2 (Plaintiff's Exhibit Number

3 19 was marked and attached to the

4 deposition.)

5 BY MS. ROBERTSON:

6 Q Plaintiff's Exhibit Number 19.

7 What is that, sir?

8 A It's an e-mail from me to Leigh

9 Allums.

10 Q Read it, please, sir.

11 A Excuse me?

12 Q Read it, please, sir.

13 A Out loud?

14 Q No. To yourself unless you just

15 want to hear your voice.

16 MS. SWAIN: Ann, there's no call

17 to be ugly to him.

18 MS. ROBERTSON: I'm not being

19 ugly. I'm just saying. I don't have a

20 copy and you don't have a copy. It

21 might be best if he read it.

22 Q Would you please read it out

23 loud?

79

1 A I had a coaching session with

2 Linda Thornton this afternoon --

3 Q Wait, wait. Read it slowly.

4 A I'm sorry. I had a coaching

5 session with Linda Thornton this afternoon,

6 1/31/06, with Melvin Hutchins present. I

7 addressed an ongoing issue when Linda has a

8 problem with the label machine that it's

9 quickly pointed out that we have a

10 mechanical problem. I explained to her that

11 the label machine needs work and we're aware

12 of that issue. However, just because we

13 have mechanical problems with the label

14 machine, it can be adjusted to keep it

15 running. It may not be perfect, but we can

16 still keep the line running. She stated she

17 understood.

18 Also, one issue today, we was -- we

19 was -- the labels were not aligned properly

20 on the can and she continued to run. Frank

21 Williams, the team leader, pointed it out to

22 Linda. Linda did not understand that when

23 Frank said the label machine was not between

80

1 the rails. I cleared up the

2 misunderstanding, told her that when he said

3 rails, it's the same as the rim of the can.

4 Also, I explained to Frank that he cannot

5 assume that Linda understands the terms he

6 uses regarding the label machine. Linda has

7 been a label operator for several years, but

8 this is the first time she has been assigned

9 to a can line.

10 At the conclusion of the meeting, I

11 addressed an ongoing issue with her and

12 Frank regarding the problem resolution. I

13 explained that in the future I would like to

14 see more team work and less friction between

15 both of them. She said she understood and

16 agreed to work on this issue.

17 Q Now, this is -- remember, I asked

18 you about there being a coaching session.

19 And do you recall that Ms. Thornton was

20 complaining about the way Mr. Williams had

21 spoken to her and screamed at her about the

22 labels were not between the rails?

23 MS. SWAIN: Objection.

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<p style="text-align: right;">81</p> <p>1 A I don't remember how it was 2 referenced. 3 Q Okay. And -- but -- and so this 4 is her -- this is your documentation. And 5 do you know if you put anything in 6 Mr. Williams' file about there being 7 problems with dispute resolutions? 8 A I do not recall. 9 Q And -- and about him not -- not 10 giving her proper instructions? 11 A I do not recall. 12 Q So if I found this in her 13 personnel file but not his, we can assume he 14 didn't have one of these things put in his 15 file; right? 16 A I do not recall if there's one in 17 his file. 18 Q Now, I'm a little confused here. 19 It said I explained to her that the label 20 machine needs to work and we are aware of 21 the issue. The label machine was -- was a 22 problem, was it not? 23 A Yes.</p>	<p style="text-align: right;">83</p> <p>1 A If the label is off the can, we 2 should stop and readjust, but you can make 3 adjustments to the label machine to keep it 4 running. 5 Q Okay. Well, all right. Let's 6 talk about a five-minute break. 7 THE VIDEOGRAPHER: We are off the 8 record at 3:46 p.m. 9 MS. ROBERTSON: That's all I've 10 got for you. You can go home. 11 DEPOSITION CONCLUDED 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">82</p> <p>1 Q And in fact, you promised her 2 that she would soon be getting a new labeler 3 machine on line three; right? 4 A I -- we did have a new label 5 machine -- 6 Q And so -- and she was probably 7 looking forward to getting the new labeling 8 machine one line three, right, when she got 9 sent to line five? 10 MS. SWAIN: Objection. 11 Q Right? 12 A I do not recall. 13 Q Okay. And it says -- it says, It 14 may not be perfect, but we can still keep 15 the line running. She stated that she 16 understood. Also, one issue today was -- we 17 was -- the labels were not aligned properly 18 on the can and she continued to run. Now, 19 which is it? Should she continue to run the 20 machine or not continue to run the machine? 21 It looks like you're correcting her for 22 two -- absolutely the opposite thing. 23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">84</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA: 4 COUNTY OF BUTLER: 5 6 I hereby certify that the above and 7 foregoing deposition was taken down by me in 8 stenotype and the questions and answers 9 thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am neither of 15 counsel, nor of kin to the parties to the 16 action, nor am I in anywise interested in 17 the result of said cause. 18 19 20 RENNY MCNAUGHTON 21 Certified Court Reporter 22 License Number: ACCR #:411 23</p>

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<b>turned</b> 35:4,11	<b>wanted</b> 57:13	<b>witnessed</b> 30:9	67:14,18 68:1	67:7 68:9
37:2 53:21	64:21	30:15	72:1 80:7	69:23
59:3 60:11	<b>warning</b> 38:18	<b>witnesses</b> 23:8	<b>y'all</b> 18:12 44:12	<b>16th</b> 52:18 66:16
68:12	39:4	<b>woman</b> 39:14	44:18,21 45:5	<b>1600</b> 5:8
<b>Twentieth</b> 5:7	<b>wasn't</b> 46:17	<b>word</b> 34:4	65:17	<b>17</b> 4:18 73:21
<b>twice</b> 48:17	<b>way</b> 12:11 51:12	<b>words</b> 26:23	<b>0</b>	74:3,5
<b>two</b> 28:5 46:10	51:20 72:7	34:3,4,7,10	<b>01</b> 47:3	<b>18</b> 4:19 76:4,7
66:20 72:17,19	80:20	<b>work</b> 8:12,13	<b>02</b> 43:13 44:9	<b>19</b> 4:20 78:3,6
82:22	<b>went</b> 42:2 55:12	44:16 49:18	45:16,22 46:2	<b>1988</b> 2:21
<b>type</b> 16:12	55:17 71:23	51:18,20 53:5	46:13	<b>2</b>
<b>U</b>	<b>weren't</b> 36:4	62:8 72:21	<b>04</b> 76:11,13	2 24:4,5,15
<b>U</b> 2:1	37:14	73:4 79:11	<b>06</b> 44:10 48:10	25:23 28:23
<b>ugly</b> 78:17,19	<b>Wesley</b> 31:14	80:14,16 81:20	51:6,13,16	30:7 35:23
<b>ultimate</b> 15:20	<b>we're</b> 8:20 38:1	<b>worked</b> 8:20 9:2	69:15 74:11,15	<b>2/28/06</b> 61:21
<b>ultimately</b> 16:13	56:14 79:11	44:17 72:19,23	<b>1</b>	<b>2:30</b> 2:9 6:9
<b>understand</b> 8:15	<b>we've</b> 48:16	73:2	<b>1</b> 6:16 23:12	<b>2:34</b> 6:23
79:22	<b>wife's</b> 67:11	<b>worker</b> 77:1	25:22 33:5,12	<b>2002</b> 44:3,5
<b>understands</b>	<b>Wiggins</b> 5:15	<b>working</b> 46:2	34:2	<b>2006</b> 43:20
80:5	<b>William</b> 51:10	71:17,20 74:14	<b>1/31/06</b> 79:6	71:11
<b>understood</b>	<b>Williams</b> 6:19	75:11	<b>10</b> 4:11 45:11,15	<b>2007</b> 11:5
79:17 80:15	17:7 27:6	<b>works</b> 69:7	55:3	<b>2008</b> 1:22 2:9
82:16	30:10 33:1,13	<b>worry</b> 70:16	<b>107cv-712-W...</b>	3:2 6:10 7:1
<b>UNITED</b> 1:1	34:3,22 37:6,9	<b>wouldn't</b> 20:19	1:5 6:20	<b>205-314-0500</b>
<b>unmarked</b> 49:14	38:18 39:4,13	21:1 35:6	<b>11</b> 4:12 47:12,16	5:19
<b>uses</b> 80:6	39:17 40:10	37:18 74:21	47:17	<b>205-328-0480</b>
<b>Usual</b> 7:14	50:14,23 51:5	75:10,22 76:1		5:10
<b>U.S</b> 6:20	51:12,17 52:21	<b>Write</b> 30:14		<b>3</b>
		<b>writing</b> 24:18		

367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

**FREEDOM COURT REPORTING**

94

**3** 25:16,19 26:3  
 26:5,11 28:11  
**3/11/02** 43:7  
 44:7  
**3:46** 83:8  
**301** 5:17  
**31** 4:6  
**35203** 5:18  
**35203-5202** 5:9  
**38** 4:7 8:11

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**4**


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**4** 25:19 29:6  
**4/22/02** 42:19  
**40** 4:8  
**41** 4:9  
**411** 84:21  
**42** 4:10  
**420** 5:7  
**45** 4:11  
**47** 4:12,13  
**49** 4:14

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**5**


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**5** 4:6 31:18,23  
 32:4 35:19  
**5(d)** 2:19  
**52** 4:15

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**6**


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**6** 4:7 38:5,10,14  
**60** 4:16  
**63** 4:17

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**7**


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**7** 4:8 40:18,22  
 41:18 47:2,3  
**73** 4:18  
**76** 4:19  
**78** 4:20

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**8**


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**8** 4:3,9 41:3,7

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**9**


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**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

DOCUMENTATION FORM

Employee Name: Wesley McJannet

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thornton

Witness (s): No witness Wesley knows of.

Date of incident: 6-14-06

Where did it take place: Line 3 label machine

When did it take place (time and day): About 10:30-11:00

What happened: \_\_\_\_\_

I Heard some yelling From Frank Williams could  
not make out Everything He said. The only words  
I could make out was that He was not  
going to put up with this.

**PLAINTIFF'S  
EXHIBIT**

S Jordan

Did this result in down time? No If yes how much? \_\_\_\_\_

Did this result in product being scrapped? No If yes how much? \_\_\_\_\_

Attach an additional sheet if needed for witness statements following the same format.

## INVESTIGATION NOTES

Incident: Frank Williams and Linda Thornton

Date: 6/14/06

Resolution:

Frank Williams was given a disciplinary warning. Linda Thornton was moved to Line 5 Label Operator.

**PLAINTIFF'S  
EXHIBIT**

6 Jordan

Appeal #1PLAINTIFF'S  
EXHIBIT

7

3-30-06

To whom it may concern;

On behalf of myself, I am requesting an appeal on the subject of my label operator level status. I hope that you will greatly re-consider the status that you have placed me at. I am convinced that this was greatly un-noticed when I was placed as a level one label operator. My skills are at a very high level that I am deeply proud of. I have mastered lines one and two label machine's for the past four years. At present time I run line 3 label machine which is considered the hardest of the can lines. I am able to trouble shoot, change over every machine. Even though, on the can line, I continue to always help my fellow label operators. For there will never be a label operator that never needs help, including myself. I have had the opportunity to train Vicki Cook on line one label machine to take my position. With patience and the correct information in training Vicki has proven herself to be one of the best for line label operators.

I am requesting an appeal, and that you give me the opportunity to go directly to label operator status 4. I believe I have earned this and have the skills achieved.

Sincerely

Linda Thornton.





Christopher J.  
Jordan/NC/Ralcorp  
05/10/2006 02:28 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp, Thomas A.  
Nance/NC/Ralcorp@RALCORP  
bcc  
Subject Re: Linda Thornton

As of today Linda Thornton has successfully passed the first three levels of the label operator pay for skills test. The level 4 test is a hands on training skills test and she has already proven she can successfully training Vicki Cook on line 1. I have spoken with Melvin Hutchins and we are in agreement that Linda Thornton should be considered as a Level 4 Operator. If you have any questions please let me know.

S. Leigh Allums/NC/Ralcorp



S. Leigh Allums/NC/Ralcorp  
05/10/2006 01:42 PM

To Christopher J. Jordan/NC/Ralcorp@Ralcorp  
cc  
Subject Linda Thornton

I spoke with Tommy about Linda Thornton's pay increase. Please send me an e-mail stating her training proficiency and that she has passed all three written test. I will make her increase effective 05/15/06.

Thanks

Leigh Allums  
Human Resources Coordinator  
(334) 983-0209

If you are not the intended addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to internet email for messages of this kind.

**PLAINTIFF'S  
EXHIBIT**

8  
Jordan



Flavor  
House.  
Products Inc.

# Personnel Action Notice

PLAINTIFF'S  
EXHIBIT

9

COMPLETE FOR ALL ACTIONS	NAME (Last, First, Initial) <i>PARRES Linda</i>		BIRTHDATE / /		DATE OF HIRE / /	
	SOCIAL SECURITY NUMBER - -		EMPLOYEE I.D.	DEPARTMENT	EXEMPT <input type="checkbox"/>	NON EXEMPT <input type="checkbox"/>
	REASON FOR ACTION		HOURLY <input type="checkbox"/>	LINE SUPV. <input type="checkbox"/>		

<input type="checkbox"/> <b>EMPLOYMENT</b>	HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	PERM. <input type="checkbox"/>	PT. TIME <input type="checkbox"/>	TEMP. <input type="checkbox"/>	SINGLE <input type="checkbox"/>	MARRIED <input type="checkbox"/>	MALE <input type="checkbox"/>	FEMALE <input type="checkbox"/>
EFFECTIVE DATE / /	FUNCTION					DEPARTMENT				
JOB TITLE						SALARY GRADE		RATE OF PAY \$ Per		
HOME ADDRESS Street City State Zip Phone										
MAILING ADDRESS (If Different Than Above)										
EEOC JOB CODE	RACE CODE	HANDICAP CODE	CITIZEN OF	MILITARY STATUS	VIET. VET	DISABLED VET				

<input type="checkbox"/> <b>TRANSFER</b>	FROM	FUNCTION	DEPT.
EFFECTIVE DATE / /	TO	FUNCTION	DEPT.
PE Promotion <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input type="checkbox"/>	CURRENT JOB TITLE	SALARY GRADE	NEW JOB TITLE SALARY GRADE

<input checked="" type="checkbox"/> <b>COMPENSATION ACTION</b>	FUNCTION <i>4122/02</i>	DEPARTMENT	JOB TITLE <i>Label Operator</i>	SAL. GRADE
EFFECTIVE DATE <i>5-11-02</i>	LAST ANNUAL INCREASE Date / / \$ %	<input type="checkbox"/> MERIT <input type="checkbox"/> PROMO. <input type="checkbox"/> ADJ.	SALARY RANGE MIN. MAX.	
CURRENT ANNUAL RATE \$ <i>8.00 Hour</i>	PROPOSED ANNUAL INCREASE \$ %	NEW ANNUAL RATE \$ <i>9.00 Hour</i>		<input type="checkbox"/> MERIT <input type="checkbox"/> PROMO. <input type="checkbox"/> ADJ.

<input type="checkbox"/> <b>SEPARATION</b>	QUIT <input type="checkbox"/>	DISCHARGE <input type="checkbox"/>	TERMINATION <input type="checkbox"/>	LAYOFF <input type="checkbox"/>	RETIRE <input type="checkbox"/>	DEATH <input type="checkbox"/>	LEAVE <input type="checkbox"/>	SEPARATION ALLOWANCE YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE NOTICE GIVEN / /	UNUSED VACATION NO. WORK DAYS:	ACCRUED VACATION NO. DAYS DUE:
EFFECTIVE DATE / /	FUNCTION							REHIRE YES <input type="checkbox"/> NO <input type="checkbox"/>	TYPE LEAVE	EST. DURATION LAST DAY WORKED / /	

<input type="checkbox"/> <b>CHANGE OF ADDRESS</b>	NEW:	STREET	CITY	STATE	ZIP	PHONE
EFFECTIVE DATE / /						

COMMENTS:	<i>She has become a Complete operator. She does a good job and listens very well.</i>
-----------	---

J.S. AP	CURRENT DEPARTMENT	NEW DEPARTMENT
	Immediate Supv.: <i>[Signature]</i> Date: <i>3-11-02</i>	Immediate Supv.: Date:
	Approved: <i>Melvin Hutchins</i> Date: <i>3-11-02</i>	Approved: Date:
	Personnel Review: <i>[Signature]</i> Date: <i>3-11-02</i>	Personnel Review: Date:

ORIGINATOR - Retain Canary Copy For Follow-Up



Flavor  
House.  
Products Inc.

# Personnel Action Notice

**PLAINTIFF'S  
EXHIBIT**

Jordan  
10

COMPLETE FOR ALL ACTIONS	NAME (Last, First, Initial) <i>Parkish Linda</i>				BIRTHDATE		DATE OF HIRE	
	SOCIAL SECURITY NUMBER		EMPLOYEE I.D.	DEPARTMENT	EXEMPT	NON EXEMPT	HOURLY	LINE SUPV.
	REASON FOR ACTION							

<input type="checkbox"/> EMPLOYMENT	HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	PERM. <input type="checkbox"/>	PT. TIME <input type="checkbox"/>	TEMP. <input type="checkbox"/>	SINGLE <input type="checkbox"/>	MARRIED <input type="checkbox"/>	MALE <input type="checkbox"/>	FEMALE <input type="checkbox"/>
EFFECTIVE DATE / /	FUNCTION				DEPARTMENT					
JOB TITLE						SALARY GRADE		RATE OF PAY \$ Per		
HOME ADDRESS										
MAILING ADDRESS (If Different Than Above) Street City State Zip Phone										
EEOC JOB CODE	RACE CODE	HANDICAP CODE	CITIZEN OF	MILITARY STATUS	VIET. VET	DISABLED VET				

<input type="checkbox"/> TRANSFER	FROM	FUNCTION	DEPT.
EFFECTIVE DATE / /	TO	FUNCTION	DEPT.
<input type="checkbox"/> Promotion <input type="checkbox"/> Lateral <input type="checkbox"/> Other		CURRENT JOB TITLE	SALARY GRADE
		NEW JOB TITLE	SALARY GRADE

<input checked="" type="checkbox"/> COMPENSATION ACTION	FUNCTION	DEPARTMENT	JOB TITLE	SAL. GRADE
EFFECTIVE DATE 11/11/02	LAST ANNUAL INCREASE Date / / \$ %		SALARY RANGE MIN. MAX.	
CURRENT ANNUAL RATE \$ 10.00 HOUR	PROPOSED ANNUAL INCREASE \$ 3 %		NEW ANNUAL RATE \$ 10.30	
		<input type="checkbox"/> MERIT <input type="checkbox"/> PROMO. <input type="checkbox"/> ADJ.		

<input type="checkbox"/> SEPARATION	QUIT <input type="checkbox"/>	DISCHARGE <input type="checkbox"/>	TERMINATION <input type="checkbox"/>	LAYOFF <input type="checkbox"/>	RETIRE <input type="checkbox"/>	DEATH <input type="checkbox"/>	LEAVE <input type="checkbox"/>	SEPARATION ALLOWANCE YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE NOTICE GIVEN / /	UNUSED VACATION NO. WORK DAYS:	ACCRUED VACATION NO. DAYS DUE:
EFFECTIVE DATE / /	FUNCTION							REHIRE YES <input type="checkbox"/> NO <input type="checkbox"/>	TYPE LEAVE	EST. DURATION LAST DAY WORKED / /	

<input type="checkbox"/> CHANGE OF ADDRESS	NEW:	STREET	CITY	STATE	ZIP	PHONE
EFFECTIVE DATE / /						

COMMENTS: *Annual INCREASE*

CURRENT DEPARTMENT		NEW DEPARTMENT	
Immediate Supv. <i>Paula [Signature]</i>	Date: 11/7/02	Immediate Supv.:	Date:
Approved: <i>Melvin Hutchins</i>	Date: 11-7-02	Approved:	Date:
Personnel Review: <i>Don Rumb</i>	Date: 11-8-02	Personnel Review:	Date:

FH000206

## Appeal Response

To: Linda Thornton  
Re: Level 4 Operator Pay Appeal  
Date: April 20, 2006  
From: Tommy Nance

Linda,

We have reviewed your appeal to adjust your pay to level 4 for the Label Operator position. You were initially placed at a Level 1 at the introduction of the Pay for Skills Program. You have not taken the opportunity to advance your Level Status through testing at the various levels. You have stated that since your pay was at or above Level 4 that you did not need to test. This however does not allow you to receive annual cost of living increases due to your pay being higher than Level 1. You have been red-lined and will only receive a lump sum disbursement rather than an annual increase until the cost of living increases cause the pay for skill levels to advance beyond your current pay.

If you feel that you are a Level 4 operator, we will afford you the opportunity to test at each level without the pre-requisite 6 month period between levels. You will have to test at each level and we will assign you the level status that you are able to show competence in. Your pay will not be reduced if you fail to pass any given level. Likewise, no increase will be given until competence as a Level 4 has been achieved.

**PLAINTIFF'S  
EXHIBIT**

Jordan

11

*Emergency*

**VACATION REQUEST**

EMPLOYEE Linda Thornton

DATES REQUESTED 4-13-06

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Linda Thornton

DATE 4-17-06

APPROVED BY SUPERVISOR: YES ☒ NO ☐

COMMENTS Blood Pressure problems.

SUPERVISOR'S SIGNATURE

[Signature]

DATE 4-13-06

PLAINTIFF'S  
EXHIBIT  
12 Jordan

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY  
\*\*\*\*\*

THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 48 HOURS

VERIFIED BY [Signature]

DATE 4/13/06





Christopher J.  
Jordan/NC/Ralcorp  
04/17/2006 11:03 AM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Thomas A. Nance/NC/Ralcorp@RALCORP, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Linda Thornton

Please place in personnel file:

I spoke with Linda Thornton today about her missing work and not being on the line due to her medical problem. I explained to her if this continued we would ask her to provide some type of doctor's certification per Tommy Nance's instruction stating she was able to perform her job. Linda Thornton stated that she is taking medication at night to prevent any more problems. Melvin Hutchins was in the meeting.

**PLAINTIFF'S  
EXHIBIT**

*Jordan*

13

DOCUMENTATION FORM

Employee Name: Linda Thornton

Investigating Supervisor: Chris Jordan Date: 2-16-06

Present: Melvin Hutchins

Who was involved: Frank Williams

Witness (s): \_\_\_\_\_

Date of incident: 2-16-06

Where did it take place: In hallway of Parl.

When did it take place (time and day): 2-16-06 AM.

What happened: At approximately 10:50AM an employee came to me stating that Frank Williams had come to them this am, stating that I had been telling people that Frank Williams was a child molester. Immediately I met with M. Hutchins / Chris Jordan with this matter. This is after previous meeting with M. Hutchins on the topic of many concerns with Frank and line 2 work situations.

Did this result in down time? No If yes how much?

Did this result in product being scrapped? If yes how much? No

Attach an additional sheet if needed for witness statements following the same format.

Mark Beaul - present in smoking area

PLAINTIFF'S  
EXHIBIT

Jordan  
14

DOCUMENTATION FORM

Employee Name: Linda Thornton  
Investigating Supervisor: Chris Gordon Date: 3-01-06  
Present: M. Hutchins

Who was involved: Frank Williams

Witness (s): N/A

Date of incident: Linda was told 2/28/06

Where did it take place: Break Area

When did it take place (time and day): After work

What happened: Repeatedly have been told of comments  
that team leader has made against me,  
One after investigation, very serious comments  
and threats made.

I just want this to be over with,  
which I believed it would be after  
last week's meeting with Tommy in HR,  
These threats & comments were made to an employee  
in the front office.

Did this result in down time? N/A If yes how much?

Did this result in product being scrapped? If yes how much? N/A

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT  
15 - Jordan

## DOCUMENTATION FORM

Employee Name: Frank Williams  
 Investigating Supervisor: Chris Jordan Date: 2-16-06  
 Present: D/A

Who was involved: Linda Thornton  
 Witness (s): Jewell Silvey & Tracy Brantley  
 Date of incident: 2-16-06

Where did it take place: Hall way  
 When did it take place (time and day): 2-9-06

What happened: Jewell Silvey came up to me  
in the Hall way & told me that  
Linda Thornton was outside telling everyone  
that I was a child molester & my  
Brother's wife's Daughter was my  
girl friend this is harassment  
and I don't like it I  
don't start trouble. ~~that~~ what  
happen 15 years ago is none of  
her business

Did this result in down time? No If yes how much?

Did this result in product being scrapped? No If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT

Jordan

16

Tracey Bryantley  
Jekell Sillery  
Tykiz Ward  
Vickie Cook



## LABEL OPERATOR

### Can Line ANSWERS

3  
85

1. If the lift does not raise the labels, which of the following statements could be a possible reason?
- Hydraulic fluid pressure is too high.
  - ☒ Label basket is too loose.
  - Curling bar is either loose or not tight.
2. If the label is not being picked up, which of the following is not a true statement.
- Hot pickup glue is too low.
  - Hot pickup glue is too high.
  - ☒ Too many glue rollers (wheels).
  - Speed of machine is too fast.
3. If the label machine is running but the label table will not lift the labels up, which of the following is a possible problem?
- Check sensor to make sure it is blocked.
  - ☒ Hydraulic pump not turned on.
  - Belts are too tight.
4. What is the ideal air pressure for the cold glue?
- ☒ 10-20 psi.
  - 30-40 psi.
  - 60-70 psi.
5. ☒ True or False. The room temperature will affect how the label machine performs.
6. True or ☒ False. Overhead belts should not be cleaned.
7. ☒ True and False. Guide rails being too tight can cause loose labels.
8. ☒ True or False. When operating the label machine you should use as many glue rollers (wheels) as possible.
9. What does pp mean on the description of the BOM/schedule?

PLAINTIFF'S  
EXHIBIT

17 Jordan

~~pulse per minute?~~

pre-priced

No pay  
change

10. How many minutes are there between label checks? I check @ 5 minutes  
But you should always check atleast @ 15 min  
when checking video set.

11. How would you determine if you have the correct label for the order you are about to run? Check the schedule with your label  
and communicate with your filler operator.

12. If the padding on the label machine is sticky or tacky, what will this cause?  
tearing, or pulling of the label, loose labels,  
sometimes up & down with the labels.

13. True or False If the label is on the top or bottom rim of the can this is acceptable.

~~14.~~ If the capper is stripping off labels as the cans go through the machine, which of the following statements is false.

- a. Speed of label machine is too fast.
- b. Too much cold glue.
- c. Padding needs to be replaced.

15. Which of the following statements is incorrect.

- a. If a flex rail breaks it could cause the cans to jam the machine.
- b. Improper spacing of glue wheels will cause build up of glue on the belts.
- c. The label machines cannot be slowed down.

16. True or False The hot glue needs to set at the same setting every day.  
Sometimes it depends on the weather

17. What are the 4 tools most commonly used on a label machine during a changeover? flat head screwdriver, allen pack,  
7/16 wrench. The Big Allen wrench.

18. True or False. Low air pressure will cause problems with the cold glue.

~~19.~~ How many E-stops are on the label machine? Main  
The red stop button / The power switch  
(2)

20. If the tension springs break on the rollers what could this cause?  
Loose labels, depending where the spring is, it could  
cause no label pick-up & bad labels.

Linda Thornton  
Signature

05-10-06.  
Date

PLAINTIFFS  
EXHIBIT

18

## LABEL OPERATOR

Jar Line  
ANSWERS-2  
a0

1. How many E-stops are on the Krones Canmatic?

Seven E-stops.

2. How many safety eyes are protecting the Krones Canmatic?

four safety eyes.

3. What two adjustments can control the amount of glue flow on the lap roller?

Scraper, adjusting screw for the flow of glue.

- 4.
- ☒
- True or False. The SET UP MODE screen is where the operator can make a height adjustment. True.

- 5.
- ☒
- True or False. If the height adjustment is not in the proper placement, the lap roller will be out of timing. True.

6. What is the proper sequence (Steps 1 to 3) for timing the container handling system?

2	Transfer stars to Bottle Table.
3	Bottle Table to Centering Bell.
1	Infeed Screw to Infeed Star.

- 7.
- ☒
- True or False. The reservoir drain valve and plug are the same temperature as the outside of the glue pot. ?

- 8.
- ☒
- True or False. To complete a changeover an operator needs a 15 mm wrench. False 2. Charlie Locks.

9. What causes a main load override malfunction?

The speed of the machine is too high causes machine to shut off @ start up / or sudden stop / front of eye.

- 10.
- ☒
- True or False. The brush bristles should not penetrate more than one quarter of an inch into the container.

11. What happens if you raise one of the doors on the Krones Canmatic?

the machine shuts off.

NO  
Pay  
change

12. True or False The scraper cannot be used to adjust the amount of glue on the pick-up side roller? You can control this with the scraper - also with the adjustment screw.

13. Where are the jog chords located on the Krones Canmatic?

(1) Backside / side near line  
(2) one on @ side of machine, closer to video jet.

14. True or False A bent container will not cause a container jam.

X 15. If the lap end of the label shows no adhesive pattern, it could be the result of which of the following?

- a Mispositioned brush segments:
- b Labels not coming to the front of the fingertips.
- c Lap roller out of position.
- d All of the above.

B + C  
are correct.

16. How many minutes are there between label checks?

I check the labels @ least 5 minutes apart, but you should always check labels when you check video jet at least every fifteen minutes

17. How would you determine if you have the correct label for the order you are about to run?

Always check Schedule with the labels. and communicate with filler operator.

18. True or False If any safety device (guard cover, guard door, stop button, etc.) is missing, broken, or malfunctioning, the machine can still be operated.

No - Contact your supervisor & maintenance

19. What operator action will stop the machine?

- a Push a Machine Stop button.
- b Push an E-Stop button.
- c Open a guard door.
- d Close the Bottle Stop.
- e All of the above.
- f Only A, B and C are correct.

↑ answer

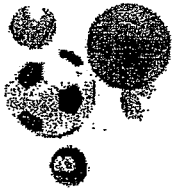
20. Which of the following are safety items that should be reported immediately?

- a. Missing or broken guards/guard doors.
- b. Guard door interlock switch not working.
- c. Emergency Stop button does not immediately stop the machine from rotating.
- d. A co-worker that is not following correct safety procedures or practices.
- ☒ e. All the above.
- f. None of the above.

Rinda Thornton  
Signature

05-08-06.  
Date





Christopher J.  
Jordan/NC/Ralcorp  
02/03/2006 03:33 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Richard W. Holland/NC/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp, Thomas A.  
Nance/NC/Ralcorp@RALCORP

bcc

Subject Linda Thornton

Please place this e-mail in Linda Thornton's personnel file:

I had a coaching session with Linda Thornton this afternoon (1-31-06) with Melvin Hutchins present. I addressed an ongoing issue when Linda has a problem with the label machine it is quickly pointed out that we have a mechanical problem. I explained to her that the label machine needs work and we are aware of that issue. However, just because we have mechanical problems with the label machine it can be adjusted to keep it running. It may not be perfect but we can still keep the line running. She stated she understood. Also, one issue today we was the labels were not aligned properly on the can and she continued to run. Frank Williams, the team leader, pointed it out to Linda. Linda did not understand that when Frank said the label was not between the rails. I cleared up the misunderstanding and told her that when he said rails it's the same as the rim of the can. Also, I explained to Frank that he cannot assume that Linda understands the terms he uses regarding the label machine. Linda has been a label operator for several years but this is the first time she has been assigned to a can line. At the conclusion of the meeting I addressed an ongoing issue with her and Frank regarding the problem resolution. I explained that in the future I would like to see more teamwork and less friction between both of them. She said she understood and agreed to work on this issue.

**PLAINTIFF'S  
EXHIBIT**

Jordan

19

**FREEDOM COURT REPORTING**

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 KIMBERLY PERKINS</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 June 11, 2008</p> <p>23 Dothan, Alabama</p>	<p>1 the time of trial or at the time said</p> <p>2 deposition is offered in evidence, or prior</p> <p>3 thereto.</p> <p>4 In accordance with Rule 5(d) of the</p> <p>5 Alabama Rules of Civil Procedure, as</p> <p>6 amended, effective May 15, 1988, I, Renny D.</p> <p>7 McNaughton, am hereby delivering to Ms.</p> <p>8 Swain the original transcript of the oral</p> <p>9 testimony taken the 11th day of June, 2008,</p> <p>10 along with exhibits.</p> <p>11 Please be advised that this is the</p> <p>12 same and not retained by the Court Reporter,</p> <p>13 nor filed with the Court.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>1 STIPULATION</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Kimberly</p> <p>5 Perkins, may be taken before Renny D.</p> <p>6 McNaughton, Court Reporter and Notary</p> <p>7 Public, State at Large, at the offices of</p> <p>8 Bobbie Crook, Dothan, Alabama, on the 11th</p> <p>9 day of June, 2008, commencing at</p> <p>10 approximately 1:00 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the signature to and the reading of the</p> <p>13 deposition by the witness is waived, the</p> <p>14 deposition to have the same force and effect</p> <p>15 as if full compliance had been had with all</p> <p>16 laws and rules of Court relating to the</p> <p>17 taking of depositions.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED</p> <p>19 that it shall not be necessary for any</p> <p>20 objections to be made by counsel to any</p> <p>21 questions, except as to form or leading</p> <p>22 question and that counsel for the parties</p> <p>23 may make objections and assign grounds at</p>	<p>1 INDEX</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Swain 7</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 No. 1 35</p> <p>7 No. 2 43</p> <p>8 No. 3 48</p> <p>9 No. 4 50</p> <p>10 No. 5 55</p> <p>11 No. 6 58</p> <p>12 No. 7 63</p> <p>13 No. 8 68</p> <p>14 No. 9 79</p> <p>15 No. 10 91</p> <p>16 No. 11 92</p> <p>17 No. 12 96</p> <p>18 No. 13 93</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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**FREEDOM COURT REPORTING**

<p>1           A P P E A R A N C E S</p> <p>2   FOR THE DEFENDANT (S):</p> <p>3   Jennifer F. Swain</p> <p>4   Baker, Donelson, Bearman, Caldwell &amp;</p> <p>5   Berkowitz, PC</p> <p>6   Wachovia Tower, 420 North Twentieth Street,</p> <p>7   Suite 1600</p> <p>8   Birmingham, Alabama 35203-5202</p> <p>9</p> <p>10   FOR THE PLAINTIFF (S):</p> <p>11   Bobbie S. Crook</p> <p>12   Attorney at Law</p> <p>13   367 S. St. Andrews St.</p> <p>14   Dothan, Alabama 36301</p> <p>15</p> <p>16   Also Present: Linda Thornton</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1           offices of Bobbie S. Crook, PC, Dothan,</p> <p>2   Alabama. My name is Joey McClain</p> <p>3   representing Freedom Court Reporting.</p> <p>4   Would counsel identify yourself and</p> <p>5   state whom you represent.</p> <p>6           MS. CROOK: I'm Bobbie Crook and</p> <p>7   I represent the plaintiff.</p> <p>8           MS. SWAIN: Jennifer Swain</p> <p>9   representing defendant Flavor House</p> <p>10   Products, Inc.</p> <p>11           THE VIDEOGRAPHER: Okay. You may</p> <p>12   swear the witness.</p> <p>13           (Witness Sworn.)</p> <p>14           THE COURT REPORTER: You are</p> <p>15   sworn. Usual stipulations?</p> <p>16           MS. SWAIN: Yes, that's fine.</p> <p>17           KIMBERLY PERKINS</p> <p>18   having been duly sworn, was examined and</p> <p>19   testified as follows:</p> <p>20           EXAMINATION</p> <p>21   BY MS. SWAIN:</p> <p>22       Q   Will you state your name, please.</p> <p>23       A   Kimberly Perkins.</p>
<p>1           I, Renny D. McNaughton, a Court</p> <p>2   Reporter of Greenville, Alabama, and a</p> <p>3   Notary Public for the State of Alabama at</p> <p>4   Large, acting as Commissioner, certify that</p> <p>5   on this date, pursuant to the Alabama Rules</p> <p>6   of Civil Procedure, and the foregoing</p> <p>7   stipulation of counsel, there came before me</p> <p>8   at the offices of Bobbie Crook, Dothan,</p> <p>9   Alabama, commencing at approximately 1:00</p> <p>10   p.m. on the 11th day of June, 2008, Kimberly</p> <p>11   Perkins, witness in the above cause, for</p> <p>12   oral examination, whereupon the following</p> <p>13   proceedings were had:</p> <p>14</p> <p>15           THE VIDEOGRAPHER: This begins</p> <p>16   videotape number one of the deposition</p> <p>17   of Kim Perkins in the matter of Linda</p> <p>18   Thornton versus Flavor House Products</p> <p>19   and Franklin D. Williams, Jr., case</p> <p>20   number 107-CV-712-WKW. We're on the</p> <p>21   record at 1:04 p.m. Today's date is</p> <p>22   June the 11th, 2008. This is Wednesday.</p> <p>23   The deposition is taking place at the</p>	<p>1           Q   Ms. Perkins, my name is Jennifer</p> <p>2   Swain, and I'm an attorney representing</p> <p>3   Flavor House in the lawsuit that was filed</p> <p>4   against it by Linda Thornton. I'm going to</p> <p>5   ask you some questions today and ask you to</p> <p>6   give me a verbal -- either a yes or a no or</p> <p>7   a narrative response as your answer as</p> <p>8   opposed the head shakes or uh-huh or huh-uh.</p> <p>9   Can you do that for me?</p> <p>10          A   Yes.</p> <p>11          Q   I'm also going to ask you to let</p> <p>12   me know if I ask a question that you don't</p> <p>13   understand or doesn't make sense to you for</p> <p>14   some reason. If you'd let me know that I'll</p> <p>15   try to clarify my question. Can you do</p> <p>16   that?</p> <p>17          A   Yes.</p> <p>18          Q   Certainly you can let me know if</p> <p>19   you need to take a break at any time during</p> <p>20   your deposition, and I will ask you to</p> <p>21   answer whatever question is on the table,</p> <p>22   but, otherwise, you're certainly free to</p> <p>23   take one if you need one.</p>

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2 (Pages 5 to 8)

# FREEDOM COURT REPORTING

<p>1 A Okay.</p> <p>2 Q One of the things we've talked</p> <p>3 about in these depositions is that we</p> <p>4 understand that Flavor House, the plant here</p> <p>5 in Dothan, has been owned by some different</p> <p>6 companies over time, but we are referring to</p> <p>7 it throughout as Flavor House. Can you --</p> <p>8 A Okay.</p> <p>9 Q Is that okay with you?</p> <p>10 A Yes.</p> <p>11 Q So you know what I'm talking</p> <p>12 about when I say Flavor House, I mean the</p> <p>13 plant in Dothan.</p> <p>14 A Yes.</p> <p>15 Q Now, you used to be employed at</p> <p>16 Flavor House?</p> <p>17 A Yes.</p> <p>18 Q When did you first start working</p> <p>19 there?</p> <p>20 A May of 2000.</p> <p>21 Q And what position were you hired</p> <p>22 into?</p> <p>23 A Quality control.</p>	<p>1 A From then until May the 11th of</p> <p>2 2007.</p> <p>3 Q And May the 11th of 2007 is when</p> <p>4 you were terminated from your employment of</p> <p>5 Flavor House?</p> <p>6 A Yes.</p> <p>7 Q So you worked -- were you a</p> <p>8 filler operator? Is that the correct title?</p> <p>9 A Yes.</p> <p>10 Q You worked as a filler operator</p> <p>11 from roughly mid-2000 until -- I'm sorry.</p> <p>12 Mid -- well, roughly 2003, did you say,</p> <p>13 until 2007? Does that sound right?</p> <p>14 A Yes.</p> <p>15 Q During the time that you were a</p> <p>16 filler operator, who was your direct</p> <p>17 supervisor?</p> <p>18 A I had several of them.</p> <p>19 Q Okay. And who was the first</p> <p>20 supervisor that you had?</p> <p>21 A The first was Buck Perkins.</p> <p>22 Q Okay. And was he a production</p> <p>23 supervisor?</p>
<p>1 Q And how long did you work in</p> <p>2 quality control?</p> <p>3 A About two and a half years.</p> <p>4 Q And what position did you go to?</p> <p>5 A I bounced around to different</p> <p>6 things, to picking table, cable op -- cap</p> <p>7 operator and then I went to the filler</p> <p>8 machine.</p> <p>9 Q To what?</p> <p>10 A Filler machine.</p> <p>11 Q Filler machine. And were you</p> <p>12 still on the filler machine at the time that</p> <p>13 you left your employment?</p> <p>14 A Yes.</p> <p>15 Q How long did you work on the</p> <p>16 picking table?</p> <p>17 A A couple weeks.</p> <p>18 Q Okay. And then how long were you</p> <p>19 a cap operator?</p> <p>20 A About the same amount. A couple</p> <p>21 weeks.</p> <p>22 Q And how long were you working on</p> <p>23 the filler machine?</p>	<p>1 A Yes.</p> <p>2 Q Is that his title? And how long</p> <p>3 was Buck Perkins your supervisor?</p> <p>4 A Around a year to a year and a</p> <p>5 half, I believe.</p> <p>6 Q Okay. And then who was your next</p> <p>7 supervisor?</p> <p>8 A Fannie Ash.</p> <p>9 Q And how long was Fannie Ash your</p> <p>10 supervisor?</p> <p>11 A Around a year.</p> <p>12 Q And who came after Fannie?</p> <p>13 A Chris Jordan, I believe.</p> <p>14 Q And how long was Chris Jordan</p> <p>15 your supervisor?</p> <p>16 A On the whole -- the rest of the</p> <p>17 time.</p> <p>18 Q He was still your supervisor at</p> <p>19 the time you left Flavor House?</p> <p>20 A Yes. It would switch because I</p> <p>21 would switch lines.</p> <p>22 Q Okay.</p> <p>23 A From Chris Jordan to Eugene</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">13</p> <p>1 Andrews.</p> <p>2 Q Okay.</p> <p>3 A But Chris pretty much ruled</p> <p>4 Eugene, too.</p> <p>5 Q Do you know what Chris Jordan's</p> <p>6 title was?</p> <p>7 A Line supervisor.</p> <p>8 Q Do you know what Eugene Andrews'</p> <p>9 title was?</p> <p>10 A Same.</p> <p>11 Q Same. When you were working as a</p> <p>12 filler operator with Buck Perkins as your</p> <p>13 supervisor, what line were you on?</p> <p>14 A Five.</p> <p>15 Q And then did you leave line five</p> <p>16 and move somewhere else for Fannie Ash to be</p> <p>17 your supervisor or did Buck move?</p> <p>18 A I moved -- let me see. I moved</p> <p>19 to line one.</p> <p>20 Q And is that when Fannie Ash</p> <p>21 became your supervisor?</p> <p>22 A Yes.</p> <p>23 Q Okay. And then when you were</p>	<p style="text-align: right;">15</p> <p>1 three, four, and five lines?</p> <p>2 Q Correct.</p> <p>3 A A year or two. A couple years.</p> <p>4 Q Okay. And did you in that time</p> <p>5 frame have any line that you worked on</p> <p>6 primarily or you just floated between lines</p> <p>7 as you were needed?</p> <p>8 A I worked on one line for a while</p> <p>9 and, like, another line was going down --</p> <p>10 like I was on three for a while. Line four</p> <p>11 was going down and doing real bad, so they</p> <p>12 switched a couple of us over to that line.</p> <p>13 And then line five was going down and they</p> <p>14 switched us over to that line.</p> <p>15 Q Okay. And you were still at</p> <p>16 times working on lines one and two in this</p> <p>17 time frame as well?</p> <p>18 A Not so much one. They had</p> <p>19 permanent one on one.</p> <p>20 Q Okay.</p> <p>21 A But I would go back to two.</p> <p>22 Q Okay. Who was the permanent one</p> <p>23 on two at that time?</p>
<p style="text-align: right;">14</p> <p>1 working with Chris Jordan and Eugene Andrews</p> <p>2 at various times as your supervisor, you</p> <p>3 said you were switching lines --</p> <p>4 A Yes.</p> <p>5 Q -- which lines were you going</p> <p>6 between?</p> <p>7 A I was on one, two -- actually all</p> <p>8 of them, three, four, and five.</p> <p>9 Q Okay.</p> <p>10 A Chris was over -- after Fannie,</p> <p>11 Chris was over one and two and then he</p> <p>12 gained three. Eugene was over four and</p> <p>13 five.</p> <p>14 Q Okay. And who did you say was</p> <p>15 over line three?</p> <p>16 A Chris Jordan.</p> <p>17 Q Chris. During that period that</p> <p>18 Chris Jordan and Eugene Andrews were at</p> <p>19 times your supervisor, how long was that</p> <p>20 time frame?</p> <p>21 A A pretty good while.</p> <p>22 Q Would you say about a year?</p> <p>23 A Between the both of them, on all</p>	<p style="text-align: right;">16</p> <p>1 A Stephanie. And I can't remember</p> <p>2 her last name.</p> <p>3 Q Does Lampley sound right?</p> <p>4 A Yes.</p> <p>5 Q Do you recall who the other</p> <p>6 filler operators were in that time frame,</p> <p>7 besides you and Stephanie?</p> <p>8 A There was a lot of them that come</p> <p>9 and go. And at one time on five there was</p> <p>10 Lisa Austin. They had temporary ones.</p> <p>11 There was a lot of people that came and go</p> <p>12 on filler operator. That was a hard job.</p> <p>13 Q I'm sorry. I didn't mean to</p> <p>14 interrupt you. Any that you can remember</p> <p>15 specifically other than Stephanie --</p> <p>16 Stephanie Lampley and Lisa Austin?</p> <p>17 A Not right offhand. I'm sorry, I</p> <p>18 can't.</p> <p>19 Q Now, during the time that Fannie</p> <p>20 Ash was your supervisor and you were on line</p> <p>21 one, was Linda Thornton also working on line</p> <p>22 one during that period?</p> <p>23 A Yes.</p>

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4 (Pages 13 to 16)



## FREEDOM COURT REPORTING

<p>17</p> <p>1 Q Okay. So you all worked 2 together -- 3 A Yes. 4 Q -- during the roughly one year 5 that Fannie Ash was your supervisor? 6 A Yes. 7 Q Okay. At some point, is it your 8 understanding that Ms. Thornton moved to 9 line three? 10 A Yes. 11 Q Were you still on line one at 12 that time or where were you? 13 A One. 14 Q One. Okay. And the period you 15 worked with Linda where y'all were both on 16 line one, would that have been roughly in 17 the 2004-2005 time frame? 18 A Yeah. 19 Q Do you recall when it was that 20 Ms. Thornton moved to line three? 21 A No. I don't recall the exact 22 time. No. 23 Q After Ms. Thornton moved to line</p>	<p>19</p> <p>1 left her employment at Flavor House? 2 A Yes. 3 Q Had you known Ms. Thornton 4 before -- because you were hired first; 5 correct? 6 A Yeah. 7 Q Had you known her before she was 8 hired at Flavor House? 9 A No. 10 Q So you met her through work? 11 A Yes. 12 Q Did you -- and I assume again 13 because you were moving around lines occ -- 14 you know, occasionally working on a 15 different line for a day or a few days here 16 and there, you maybe worked at times with 17 Frank Williams; is that correct? 18 A Yes. 19 Q Were you ever regularly assigned 20 to the same line as Mr. Williams? 21 A Yes. 22 Q When was that? 23 A That was on line three.</p>
<p>18</p> <p>1 three, were you all regularly on the same 2 line together? And I understand that -- 3 A Occasionally. 4 Q Let me strike that. Let me ask 5 you this first. There would be times even 6 if one of you was on one line and one was on 7 the other line that one or the other of you 8 might be asked to work on a different line 9 for a day and you all would be together? 10 A Yes. 11 Q Apart from that, I guess what I'm 12 trying to get at is were there -- was there 13 any time after both of y'all, excuse me, 14 worked with Fannie Ash as your supervisor 15 where you were regularly on the same line or 16 that was your primary assignment? 17 A Not for a long period of time. 18 For a few days, yes. 19 Q Okay. And just kind of here and 20 there? 21 A Yes. 22 Q And did that remain the case up 23 until the time that -- that Ms. Thornton</p>	<p>20</p> <p>1 Q And what time frame was that? 2 A Up until I was fired. Well, no. 3 When I was fired I was on line five. 4 Q Let me ask you this way. Was it 5 after Ms. Thornton had left her employment 6 with Flavor House? 7 A No. 8 Q It was while she was still there? 9 A Yes. 10 Q Okay. So sometime between the 11 time that -- was it sometime between the 12 time that Ms. Thornton moved to line three 13 and the time that she left her employment? 14 A Yes. 15 Q But you can't recall 16 specifically? 17 A No. Like I said, I bounced 18 around so many lines so much, I don't recall 19 specifically what time I moved to -- so 20 actually I was on line three a couple of 21 days, then I moved back over to one and two 22 and a while later I moved back to three for 23 several months, close to a year, and then I</p>

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5 (Pages 17 to 20)

## FREEDOM COURT REPORTING

<p style="text-align: right;">21</p> <p>1 moved to four -- to five, four and five.</p> <p>2 Q Okay. And do you remember when</p> <p>3 the period was that you worked on line three</p> <p>4 for several months to a year?</p> <p>5 A Yes.</p> <p>6 Q When was that?</p> <p>7 A About -- say around '06.</p> <p>8 Q Okay.</p> <p>9 A '05. About '06.</p> <p>10 Q As a filler operator, did you</p> <p>11 fill out checklists or paperwork on a</p> <p>12 regular basis?</p> <p>13 A Yes.</p> <p>14 Q Did you have to do that every</p> <p>15 day?</p> <p>16 A Very much. Yes.</p> <p>17 Q What -- what kind of paperwork</p> <p>18 did you fill out each day?</p> <p>19 A About -- oh, God. Several sheets</p> <p>20 of startup check sheets, did the weight</p> <p>21 control sheets. I kept up with the nitrogen</p> <p>22 sheets and a lot of paperwork.</p> <p>23 Q And -- and each of those</p>	<p style="text-align: right;">23</p> <p>1 terminated from your employment at Flavor</p> <p>2 House because you basically exhausted the</p> <p>3 steps in their progressive disciplinary</p> <p>4 policy?</p> <p>5 A Actually, I'd got to the point</p> <p>6 where I was just so -- under so much stress</p> <p>7 and pressure, I just pretty much didn't care</p> <p>8 anymore.</p> <p>9 Q Well, is it your testimony that</p> <p>10 you were not terminated?</p> <p>11 A Yes, I was.</p> <p>12 Q You were terminated?</p> <p>13 A Yes.</p> <p>14 Q What I'm trying to figure out is</p> <p>15 whether it was your understanding that the</p> <p>16 reason for that was because you had</p> <p>17 exhausted the steps in the company's</p> <p>18 disciplinary policy?</p> <p>19 A Yes.</p> <p>20 Q And the final step that you</p> <p>21 received in terms of the discipline was for</p> <p>22 a performance-based reason?</p> <p>23 A Yes.</p>
<p style="text-align: right;">22</p> <p>1 documents you've just described were things</p> <p>2 that you had to fill out every day?</p> <p>3 A Yes.</p> <p>4 Q And who did you turn those into?</p> <p>5 A A supervisor.</p> <p>6 Q And would those documents reflect</p> <p>7 what line you were working on a particular</p> <p>8 day?</p> <p>9 A Yes.</p> <p>10 Q I may have asked you, but if I</p> <p>11 did I forgot your answer. Do you -- do you</p> <p>12 know when it was that Ms. Thornton moved</p> <p>13 from line one to line three?</p> <p>14 A See, I don't remember a specific</p> <p>15 date.</p> <p>16 Q Do you remember roughly the time</p> <p>17 frame, what year it was?</p> <p>18 A '04, I think. See, I don't -- I</p> <p>19 spent seven years there bouncing all over</p> <p>20 the place. No, I don't remember exact</p> <p>21 dates.</p> <p>22 Q Sure. I understand that. Was it</p> <p>23 your understanding that you -- you were</p>	<p style="text-align: right;">24</p> <p>1 Q Were you angry about your</p> <p>2 termination from Flavor House?</p> <p>3 A Angry and relieved.</p> <p>4 Q Would it be accurate to say that</p> <p>5 you bear ill will towards Flavor House?</p> <p>6 A I can't stand the place.</p> <p>7 Q Okay. That answers that</p> <p>8 question. Are you hoping to see Flavor</p> <p>9 House lose in this lawsuit that Linda</p> <p>10 Thornton has filed?</p> <p>11 A It's not going to benefit me, so</p> <p>12 that don't, you know --</p> <p>13 Q Well, would you derive</p> <p>14 satisfaction from seeing Flavor House -- bad</p> <p>15 things happen to Flavor House?</p> <p>16 A It don't really matter to me.</p> <p>17 Q Between the time that Linda</p> <p>18 Thornton left her employment at Flavor House</p> <p>19 and the time that you left your employment</p> <p>20 at Flavor House -- let me back up and say:</p> <p>21 Is it your understanding that Ms. Thornton</p> <p>22 left Flavor House in June of 2006?</p> <p>23 A Yes.</p>

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6 (Pages 21 to 24)

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<p style="text-align: right;">25</p> <p>1 Q And I think you already told me</p> <p>2 you were terminated in May of 2007?</p> <p>3 A Yes.</p> <p>4 Q A little -- a little less than a</p> <p>5 year; is that correct?</p> <p>6 A Yes.</p> <p>7 Q During that period of -- of just</p> <p>8 under a year, did you speak to Ms. Thornton</p> <p>9 about her termination?</p> <p>10 A Not very much. I mean, what do</p> <p>11 you mean specifically?</p> <p>12 Q Well, let me -- let me ask you a</p> <p>13 different question. During that period of</p> <p>14 just under a year, did you talk to</p> <p>15 Ms. Thornton?</p> <p>16 A Yeah, we spoke.</p> <p>17 Q On the phone --</p> <p>18 A We're still friends.</p> <p>19 Q On the phone or in person?</p> <p>20 A On the phone.</p> <p>21 Q Did you meet in person as well?</p> <p>22 A No. I don't believe I've seen</p> <p>23 her, not in a while.</p>	<p style="text-align: right;">27</p> <p>1 Q What was your understanding of</p> <p>2 the problems that Ms. Thornton had with her</p> <p>3 husband? What did she tell you the problems</p> <p>4 were?</p> <p>5 A Communication broke down, him and</p> <p>6 her son arguing all the time. Just</p> <p>7 financial -- serious financial trouble.</p> <p>8 Q Do you know Ms. Thornton's</p> <p>9 husband?</p> <p>10 A I've seen him, met him once. I</p> <p>11 don't know a whole lot about him.</p> <p>12 Q Did Ms. Thornton tell you what it</p> <p>13 was she was suing Flavor House for?</p> <p>14 A Yes.</p> <p>15 Q What did -- what did she tell</p> <p>16 you?</p> <p>17 A She just said it was a sexual</p> <p>18 harassment case.</p> <p>19 Q Have you at any time spoken with</p> <p>20 Ms. Thornton's lawyers?</p> <p>21 A No. I came to them because I had</p> <p>22 trouble, and I went to another lawyer at</p> <p>23 Enterprise.</p>
<p style="text-align: right;">26</p> <p>1 Q Did you talk to Ms. Thornton</p> <p>2 about her lawsuit against Flavor House?</p> <p>3 A No.</p> <p>4 Q Did she tell you that she had</p> <p>5 filed a lawsuit against Flavor House?</p> <p>6 A I knew she had filed something.</p> <p>7 Q And you knew that from her or it</p> <p>8 was another source?</p> <p>9 A Several people.</p> <p>10 Q Did she tell you about her</p> <p>11 lawsuit?</p> <p>12 A No. She just -- she would call</p> <p>13 me and she would be crying, just upset</p> <p>14 between -- said things with that and she</p> <p>15 ended up having trouble at home. And that's</p> <p>16 mainly what we talked about, because I knew</p> <p>17 what she was going through at home because I</p> <p>18 had been through the same thing.</p> <p>19 Q What was your understanding what</p> <p>20 she was going through at home?</p> <p>21 A Her husband, a lot of problems</p> <p>22 with him and bills not getting paid. Things</p> <p>23 like that.</p>	<p style="text-align: right;">28</p> <p>1 Q Have you retained or have you at</p> <p>2 any time retained any of the lawyers that</p> <p>3 Ms. Thornton is using to represent you?</p> <p>4 A No.</p> <p>5 Q Did you talk to Ms. Thornton's</p> <p>6 lawyers about her claims -- about Linda's</p> <p>7 claims?</p> <p>8 A No, no.</p> <p>9 Q Did Ms. Thornton's lawyers ask</p> <p>10 you whether you had witnessed anything that</p> <p>11 Ms. Thornton was complaining about?</p> <p>12 A She asked me what did I see out</p> <p>13 there.</p> <p>14 Q Relating --</p> <p>15 A What was my complaints out there.</p> <p>16 Q Did she ask you whether you had</p> <p>17 witnessed any of the things that</p> <p>18 Ms. Thornton was complaining about?</p> <p>19 A She just asked me in general what</p> <p>20 were my complaints and what did I witness</p> <p>21 out there.</p> <p>22 Q Okay. And was that Ms. Crook</p> <p>23 that you spoke with or a different lawyer?</p>

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<p style="text-align: right;">29</p> <p>1 A I believe it was her. I don't</p> <p>2 know. It was a while back.</p> <p>3 Q Do you recall when that was? Do</p> <p>4 you recall when that was?</p> <p>5 A About a year ago.</p> <p>6 Q Okay. And you indicated you also</p> <p>7 met with or talked to an attorney in</p> <p>8 Enterprise?</p> <p>9 A Yes.</p> <p>10 Q Have you retained that lawyer?</p> <p>11 A No.</p> <p>12 Q Who is the lawyer in Enterprise</p> <p>13 that you spoke with.</p> <p>14 A I only talked to him a couple</p> <p>15 times. I don't remember his name.</p> <p>16 Q Have you retained any lawyer to</p> <p>17 represent you in relation to your</p> <p>18 employment?</p> <p>19 A No.</p> <p>20 Q During the time that -- strike</p> <p>21 that. Do you -- is it your opinion that</p> <p>22 Ms. Thornton is a truthful person?</p> <p>23 A Yes.</p>	<p style="text-align: right;">31</p> <p>1 just at each other's throats. Now, the</p> <p>2 whole line was that.</p> <p>3 Q Did you ever use profanity</p> <p>4 towards Ms. Thornton?</p> <p>5 A What do you mean by that?</p> <p>6 Q Did you -- did you ever cuss at</p> <p>7 her?</p> <p>8 A What do you mean? Call her a</p> <p>9 bitch or anything like that or just --</p> <p>10 Q Well, that would be -- that would</p> <p>11 be one example.</p> <p>12 A Just damn or something like that?</p> <p>13 I mean, in every day language, yes, I cursed</p> <p>14 out there.</p> <p>15 Q Did you ever call Ms. Thornton a</p> <p>16 bitch?</p> <p>17 A No.</p> <p>18 Q Did you ever use the term mother</p> <p>19 fucker in a conversation talking to</p> <p>20 Ms. Thornton?</p> <p>21 A About her?</p> <p>22 Q Let's start with that. About</p> <p>23 her.</p>
<p style="text-align: right;">30</p> <p>1 Q Do you know of any occasions on</p> <p>2 which Ms. Thornton has lied?</p> <p>3 A No.</p> <p>4 Q Are you a truthful person?</p> <p>5 A Yes.</p> <p>6 Q During the time that both you and</p> <p>7 Ms. Thornton were working at Flavor House,</p> <p>8 did you all have any conflicts?</p> <p>9 A Yes. On line one.</p> <p>10 Q I'm sorry?</p> <p>11 A On line one.</p> <p>12 Q On line one you did?</p> <p>13 A Uh-huh.</p> <p>14 Q What kind of conflict did you</p> <p>15 have with Ms. Thornton when you all -- this</p> <p>16 is when you were both on line one?</p> <p>17 A Yes.</p> <p>18 Q Okay. What kind of conflict did</p> <p>19 you have with Ms. Thornton when you were</p> <p>20 both working on line?</p> <p>21 A Just general stuff. Stuff</p> <p>22 breaking down, mechanics jumping in our</p> <p>23 faces and us both getting stressed out and</p>	<p style="text-align: right;">32</p> <p>1 A No.</p> <p>2 Q Did you ever use it when talking</p> <p>3 with Ms. Thornton about someone else?</p> <p>4 A Yes.</p> <p>5 Q Did Ms. Thornton ever use</p> <p>6 profanity towards you during your conflict</p> <p>7 with her?</p> <p>8 A I believe she did, but like I</p> <p>9 said, that day, which it was mainly one day,</p> <p>10 it was a highly -- very highly stressful</p> <p>11 day. And that was -- this was after a</p> <p>12 mechanic had done got all up in my face</p> <p>13 screaming and yelling and cussing me like</p> <p>14 they did all the time. But people get in</p> <p>15 high -- high stress situations, they're</p> <p>16 going to say things.</p> <p>17 Q So is it your feeling that if</p> <p>18 you're stressed out about work or something</p> <p>19 going on at work, that that would justify</p> <p>20 using profanity towards another co-worker?</p> <p>21 A No, it doesn't justify it.</p> <p>22 Things just happen.</p> <p>23 Q When you had this conflict with</p>

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8 (Pages 29 to 32)

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<p>33</p> <p>1 with Linda, did you receive any kind of 2 disciplinary step as a result of your 3 conduct during that -- 4 A I was written up, I believe. 5 Q Do you remember who wrote you up? 6 A It was probably Chris Jordan, 7 because he was over that line. 8 Q Are you certain that you were 9 written up or you're sort of guessing that 10 you were? 11 A See there was -- there was a time 12 months later where Chris Jordan brought me 13 up in the front office and laid like four 14 things right out in a row in front of me, 15 things dated before then. 16 Q Why don't we -- 17 A I'm not sure. 18 Q We will certainly have an 19 opportunity to talk about that but if we 20 could -- 21 A I'm not sure. 22 Q -- right now you're not sure I 23 think is what you're trying to say --</p>	<p>35</p> <p>1 (Defendant's Exhibit Number 2 1 was marked and attached to the 3 deposition.) 4 BY MS. SWAIN: 5 Q I'm going to show you what I'm 6 going to mark as Defendant's Exhibit 1 to 7 your deposition and ask you to take a look 8 at that document. 9 MS. CROOK: Let me see it. 10 MS. SWAIN: Yeah. Show it to -- 11 I'm sorry, Bobbie. I don't have but 12 these two copies. 13 Q Have you -- you had an 14 opportunity to read Exhibit 1? 15 A Yes. 16 Q What is that document? 17 A It was a write-up that Linda made 18 to Chris Jordan. 19 Q About? 20 A Statement. 21 Q Is this -- you say a write-up. I 22 mean -- 23 A I mean documentation. Just a</p>
<p>34</p> <p>1 A Yes. 2 Q -- whether or not you were 3 written on the particular incident with 4 Linda? 5 A Yes. 6 Q Do you recall when that incident 7 with Linda took place? 8 A I don't recall a certain date. 9 Q Do you recall what year it was 10 in? 11 A The year we were on line one 12 together. 13 Q Do you know whether Linda 14 received any disciplinary action as a result 15 of her conduct during that conflict? 16 A No, I don't know. 17 Q Did you feel like she should have 18 received any disciplinary action? 19 A No. 20 Q Do you feel like you should have 21 received any disciplinary action? 22 A No. 23</p>	<p>36</p> <p>1 statement. 2 Q Okay. Is this documentation 3 form -- do you believe this documentation 4 form relates to the conflict with Linda that 5 you and I were just speaking of -- 6 A Yes. 7 Q -- or is this a different -- a 8 different event? 9 A That day. 10 Q And if you could let me -- I know 11 it's hard for you. You can kind of tell 12 where I'm going with the question, so it's 13 hard not to go ahead and start answering, 14 but if you could let me finish the question 15 before you start answering it, it will help 16 our court reporter out because he can't type 17 both of those at once. So we have to -- 18 have to take turns, if you could. 19 And the date of this documentation form 20 is April 12th, 2006; is that right? 21 A Yes. 22 Q And at that time Linda had 23 already moved to line three; is that</p>

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9 (Pages 33 to 36)



## FREEDOM COURT REPORTING

<p>37</p> <p>1 correct?</p> <p>2 A I believe so, yes.</p> <p>3 Q Were you still on line one at</p> <p>4 that time?</p> <p>5 A Yes.</p> <p>6 Q And so she come over to line one</p> <p>7 on a -- to work on that line for a</p> <p>8 particular day? Is that --</p> <p>9 A Yes.</p> <p>10 Q -- what happened? If you will</p> <p>11 look at the bottom part here on the first</p> <p>12 page of Linda -- is this Linda's</p> <p>13 handwriting? Is that your understanding</p> <p>14 here on this?</p> <p>15 A Yes.</p> <p>16 Q The part where it says what</p> <p>17 happened?</p> <p>18 A Yes.</p> <p>19 Q And at the bottom part of that,</p> <p>20 do you see where it says, Also this morning</p> <p>21 I heard her holler to Linda Parker on the</p> <p>22 capper about a mechanic in her -- and it</p> <p>23 says in parentheses, Kim's words -- she</p>	<p>39</p> <p>1 Q Is it true that you were always</p> <p>2 starting something and then wanting to tell</p> <p>3 a lie?</p> <p>4 A No.</p> <p>5 Q Was Linda lying when she said</p> <p>6 that in her documentation form?</p> <p>7 MS. CROOK: Object. You can go</p> <p>8 ahead and answer.</p> <p>9 A That's probably the way she felt</p> <p>10 right then, but, like I said, we were all</p> <p>11 under stress that day. A lot of things were</p> <p>12 going wrong.</p> <p>13 Q Is it true that you were always</p> <p>14 trying to get someone in trouble other than</p> <p>15 yourself?</p> <p>16 A No.</p> <p>17 Q Was Linda lying when she said</p> <p>18 that?</p> <p>19 MS. CROOK: Object.</p> <p>20 A Like I said, that might have been</p> <p>21 the way she felt at the time, but it wasn't</p> <p>22 like that.</p> <p>23 Q Do you know whether or not -- do</p>
<p>38</p> <p>1 stated, quote, "Don't worry. He can't help</p> <p>2 you. He's not worth a fuck." Do you see</p> <p>3 that?</p> <p>4 A Yes.</p> <p>5 Q Did you -- did you make that</p> <p>6 statement to Linda Parker?</p> <p>7 A I probably did.</p> <p>8 Q And looking on the second page</p> <p>9 there at the top where it says, One of the</p> <p>10 OC that was in the lab this a.m., and it's</p> <p>11 cut off a little bit there on the side of</p> <p>12 the page. I think it says, then Kim Perkins</p> <p>13 came in and stated that Kim came in the lab</p> <p>14 and stated out loud that, quote, "these</p> <p>15 mother fucking people are getting on my</p> <p>16 nerves." Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Did you make that statement?</p> <p>19 A That I don't remember making.</p> <p>20 Q Do you deny that you made it?</p> <p>21 A I'm not do denying it.</p> <p>22 Q You just don't recall it?</p> <p>23 A Yeah.</p>	<p>40</p> <p>1 you see there at the bottom part of the</p> <p>2 second page or the last --</p> <p>3 A Yeah.</p> <p>4 Q -- written part of that page? It</p> <p>5 says, she's the main reason I left line one.</p> <p>6 A Yes.</p> <p>7 Q Was it your understanding that</p> <p>8 you were the main reason why Linda left line</p> <p>9 one?</p> <p>10 A No. The reason why I understood</p> <p>11 was because of the stress and pressure on</p> <p>12 that line and she put in a bid to go to</p> <p>13 another line.</p> <p>14 Q On these documentation forms</p> <p>15 where it says investigating supervisor on</p> <p>16 the first page, it says Chris Jordan?</p> <p>17 A Yeah.</p> <p>18 Q The way these things normally</p> <p>19 would be done, is that the person that, say,</p> <p>20 Linda in this case, would be giving the</p> <p>21 documentation form to?</p> <p>22 A Yes.</p> <p>23 Q Do you know what would happen to</p>

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<p style="text-align: right;">41</p> <p>1 it after she would give it to, or whatever</p> <p>2 employee, would give it to the investigating</p> <p>3 supervisor?</p> <p>4 A No.</p> <p>5 Q Do you recall whether you filled</p> <p>6 out a documentation form relating to this</p> <p>7 particular incident?</p> <p>8 A I believe I did.</p> <p>9 Q Do you know whether other</p> <p>10 employees did as well?</p> <p>11 A I don't know.</p> <p>12 Q Do you feel like you should have</p> <p>13 been given disciplinary -- a disciplinary</p> <p>14 step for talking about a mechanic by saying</p> <p>15 "don't worry, he can't help you, he's not</p> <p>16 worth a fuck?</p> <p>17 A Considering what he did to me</p> <p>18 that morning, no, I do not.</p> <p>19 Q Well, what is it that you -- let</p> <p>20 me strike that. Who -- who is the mechanic</p> <p>21 that you're talking about?</p> <p>22 A The mechanic, I believe, was Adam</p> <p>23 Hall. A lot of times on that line it was</p>	<p style="text-align: right;">43</p> <p>1 saying Adam said on that particular day?</p> <p>2 MS. CROOK: Object.</p> <p>3 A He said a lot that day.</p> <p>4 Q Well, I'm trying to find out what</p> <p>5 he said that -- that prompted you to respond</p> <p>6 in this fashion.</p> <p>7 A Yes.</p> <p>8 (Defendant's Exhibit Number</p> <p>9 2 was marked and attached to the</p> <p>10 deposition.)</p> <p>11 BY MS. SWAIN:</p> <p>12 Q Let me show you what I will mark</p> <p>13 as Defendant's Exhibit 2. Can you tell me</p> <p>14 what Defendant's Exhibit 2 is?</p> <p>15 A It's a documentation form from me</p> <p>16 to Chris Jordan.</p> <p>17 Q And is this also relating to the</p> <p>18 incident that occurred on April 12th, 2006?</p> <p>19 A Yes.</p> <p>20 Q And where it says here towards</p> <p>21 the top of the page who was involved --</p> <p>22 A Yes.</p> <p>23 Q -- do you see that? Is that your</p>
<p style="text-align: right;">42</p> <p>1 Adam Hall and Wesley McGinnis.</p> <p>2 Q Okay. What is it that you're</p> <p>3 claiming that Adam Hall did that, in your</p> <p>4 view, justified saying -- making the comment</p> <p>5 "he's not worth a fuck"?</p> <p>6 MS. CROOK: Object.</p> <p>7 A They -- anything that goes wrong</p> <p>8 with that line -- that went wrong on that</p> <p>9 line that day, they come straight to the</p> <p>10 operators -- the label operator and filler</p> <p>11 operator. They got up in my face, screamed</p> <p>12 and yelled at me, told me I needed to get</p> <p>13 the hell off that damn machine so they can</p> <p>14 get somebody else in there that can do the</p> <p>15 job and we're always fucking up these</p> <p>16 machines and they have to come behind us and</p> <p>17 fix them. All right. They always --</p> <p>18 Q And is that what he -- is that</p> <p>19 what you're saying --</p> <p>20 A Yes.</p> <p>21 Q -- that Adam said on that</p> <p>22 particular day? Let me finish my question,</p> <p>23 if you would. Okay? Is that what you're</p>	<p style="text-align: right;">44</p> <p>1 handwriting there?</p> <p>2 A Yes.</p> <p>3 Q And who did you indicate was</p> <p>4 involved in that situation?</p> <p>5 A Me, Linda Thornton, and Frank</p> <p>6 Williams.</p> <p>7 Q Do you mention anything about</p> <p>8 Adam or any other mechanic being involved in</p> <p>9 this situation?</p> <p>10 A No, I didn't, not on this.</p> <p>11 Q In fact, did you indicate here</p> <p>12 that the mechanic had gone on break? I'm</p> <p>13 looking here on the part where it says what</p> <p>14 happened and it's about one, two, three,</p> <p>15 four, five lines down.</p> <p>16 A Yes. He went to break without</p> <p>17 fixing anything.</p> <p>18 Q Well, was he cussing at you from</p> <p>19 break?</p> <p>20 A He did before he walked off.</p> <p>21 Q Is there some reason why you</p> <p>22 didn't mention that that's what prompted you</p> <p>23 to behave the way that you did?</p>

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<p style="text-align: right;">45</p> <p>1 A I didn't mention it in here, no.</p> <p>2 Q Right. I'm asking is there some</p> <p>3 reason that -- I mean, you're telling me</p> <p>4 here today that what prompted you to use</p> <p>5 words like fuck and mother fucker --</p> <p>6 A When you're --</p> <p>7 Q Let me finish the question, if I</p> <p>8 could. What prompted you to use words like</p> <p>9 fuck and mother fucker about and in front of</p> <p>10 co-workers was the way that Adam behaved,</p> <p>11 yet in the documentation form you wrote</p> <p>12 about the event you don't mention anything</p> <p>13 about him or any other mechanic. And I'm</p> <p>14 asking you is there a reason why you didn't</p> <p>15 include that in your documentation form?</p> <p>16 A I was just writing down what</p> <p>17 happened, I mean the series of things. No,</p> <p>18 I didn't put down what Adam did. I clearly</p> <p>19 stated on here that everything was breaking</p> <p>20 down and he went to break. I was trying to</p> <p>21 handle things by myself.</p> <p>22 Q Well, was your frustration with</p> <p>23 him -- strike that. Having read this</p>	<p style="text-align: right;">47</p> <p>1 filled out documentation forms relating to</p> <p>2 this incident besides you and Linda?</p> <p>3 MS. CROOK: Object.</p> <p>4 A No, I don't know.</p> <p>5 Q Do you know whether anybody else</p> <p>6 reported having heard anybody cuss at you</p> <p>7 that day?</p> <p>8 A No, I don't know.</p> <p>9 Q Did you indicate in your form on</p> <p>10 the second page here that Linda yelled at</p> <p>11 you twice during this incident?</p> <p>12 A Yes.</p> <p>13 Q And did she in fact yell at you</p> <p>14 twice?</p> <p>15 A As far as I can remember, yes,</p> <p>16 she did.</p> <p>17 Q Did she use any profanity, curse</p> <p>18 words towards you?</p> <p>19 A Not that I remember.</p> <p>20 Q This incident in April 2006 was</p> <p>21 not the only time that you used curse words</p> <p>22 at work; correct?</p> <p>23 A Correct.</p>
<p style="text-align: right;">46</p> <p>1 document, is it still your testimony sitting</p> <p>2 here today that Adam yelled and cussed at</p> <p>3 you on this occasion in April of 2006?</p> <p>4 A Yes, he did.</p> <p>5 Q I'm sorry?</p> <p>6 A Yes, he did.</p> <p>7 MS. CROOK: Yeah. You do need to</p> <p>8 wait until she gets through with the</p> <p>9 question. Okay?</p> <p>10 Q It makes for a much easier to</p> <p>11 read transcript and it will make our court</p> <p>12 reporter here very happy. But that wasn't</p> <p>13 something that was important to you enough</p> <p>14 to include in your documentation form?</p> <p>15 MS. CROOK: Object.</p> <p>16 THE WITNESS: I still have to</p> <p>17 answer when you say that?</p> <p>18 MS. CROOK: Uh-huh.</p> <p>19 A I'm not trying to say that it</p> <p>20 wasn't important. I was just trying to</p> <p>21 hurry up and get down the sequence of event</p> <p>22 that happened.</p> <p>23 Q Do you know whether anybody else</p>	<p style="text-align: right;">48</p> <p>1 Q And it was not the only time that</p> <p>2 you raised your voice at work; is that</p> <p>3 right?</p> <p>4 A Correct. Yeah.</p> <p>5 Q And it wasn't the only time Linda</p> <p>6 raised her voice either, was it?</p> <p>7 A No. Everybody did.</p> <p>8 (Defendant's, Exhibit Number</p> <p>9 3 was marked and attached to the</p> <p>10 deposition.)</p> <p>11 BY MS. SWAIN:</p> <p>12 Q And -- strike that. Let me show</p> <p>13 you what I marked as Defendant's Exhibit 3.</p> <p>14 Is Exhibit 3 a documentation form by Harrell</p> <p>15 McCullough?</p> <p>16 A Yes.</p> <p>17 Q Who is Harrell McCullough?</p> <p>18 A I believe he was a roaster</p> <p>19 operator.</p> <p>20 Q I'm sorry?</p> <p>21 A I believe he was roaster</p> <p>22 operator.</p> <p>23 Q On line one?</p>

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<p style="text-align: right;">49</p> <p>1 A Yes. I believe he was.</p> <p>2 Q And do you see here where he</p> <p>3 wrote that Frank asked you why you stopped</p> <p>4 running the line? Do you see that there in</p> <p>5 his comments?</p> <p>6 A Yes.</p> <p>7 Q And where he indicates, quote,</p> <p>8 "She got smart with him saying what is it to</p> <p>9 you."</p> <p>10 A I see it.</p> <p>11 Q Did you do that?</p> <p>12 A I -- no. I don't -- I don't</p> <p>13 recall doing that.</p> <p>14 Q Well, are you saying you didn't</p> <p>15 do it or you just don't remember one way or</p> <p>16 the other?</p> <p>17 A What I remember is Frank asking</p> <p>18 me why did I stop the line. And I said,</p> <p>19 Well, it's time to change over and I don't</p> <p>20 have a label operator.</p> <p>21 Q So my question is then, are you</p> <p>22 denying that you said, What's it to you or</p> <p>23 are you --</p>	<p style="text-align: right;">51</p> <p>1 A I'm trying to make it out. Okay.</p> <p>2 Q And is this -- is Exhibit 4 a</p> <p>3 documentation form by Frank Williams</p> <p>4 relating to the April 12th incident?</p> <p>5 A Yes.</p> <p>6 Q And did Frank Williams -- let's</p> <p>7 just go through this. He indicates that he</p> <p>8 walked in the QC lab to get to line 3 and</p> <p>9 you were calling for a label operator for</p> <p>10 line one. Is that -- is that accurate?</p> <p>11 A Yes.</p> <p>12 Q He indicates that he asked you</p> <p>13 what was wrong with the label machine</p> <p>14 because the line was not running. Is that</p> <p>15 accurate?</p> <p>16 A Yes.</p> <p>17 Q And that you said nothing?</p> <p>18 A Yes.</p> <p>19 Q That's accurate as well?</p> <p>20 A Yes.</p> <p>21 Q Frank indicates that he asked you</p> <p>22 were -- was the labels bad -- were the</p> <p>23 labels bad?</p>
<p style="text-align: right;">50</p> <p>1 A Yes.</p> <p>2 Q -- saying you just don't remember</p> <p>3 saying it?</p> <p>4 A No, I didn't say that.</p> <p>5 Q And Mr. McCullough indicates here</p> <p>6 that when you made that comment that you</p> <p>7 dispute that Frank walked off?</p> <p>8 A I'm the one that walked off.</p> <p>9 Q So you're -- you're --</p> <p>10 A I walked out of there and I went</p> <p>11 back on my line.</p> <p>12 Q Do you know of any reason that</p> <p>13 Harrell McCullough would lie about the</p> <p>14 situation?</p> <p>15 A No, I don't.</p> <p>16 (Defendant's Exhibit Number</p> <p>17 4 was marked and attached to the</p> <p>18 deposition.)</p> <p>19 BY MS. SWAIN:</p> <p>20 Q Let me show you what I'm going to</p> <p>21 mark as Defendant's Exhibit 4. Just let me</p> <p>22 know when you've had an opportunity to read</p> <p>23 Exhibit 4.</p>	<p style="text-align: right;">52</p> <p>1 A Yes.</p> <p>2 Q Is that accurate?</p> <p>3 A Yes.</p> <p>4 Q And you said no?</p> <p>5 A Yes.</p> <p>6 Q And he says that he told you to</p> <p>7 go and turn it back on. Is that accurate?</p> <p>8 A Yes.</p> <p>9 Q He then says, She went off on me,</p> <p>10 told me that I don't know what the -- he</p> <p>11 writes little blanks -- I am talking about</p> <p>12 and to stay out of her MF business. Is that</p> <p>13 correct?</p> <p>14 A No. I don't recall saying</p> <p>15 nothing to him.</p> <p>16 Q Is it possible that you did say</p> <p>17 it and you just don't recall it?</p> <p>18 A What I do recall is him looking</p> <p>19 at me and saying, So what's your problem?</p> <p>20 Q Let me -- let me ask the question</p> <p>21 again. Is it possible that you did make</p> <p>22 that comment to Frank Williams and you don't</p> <p>23 remember it?</p>

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13 (Pages 49 to 52)

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<p>53</p> <p>1 A No. Frank Williams is a blue 2 shirt. I would not have told a blue shirt 3 to stay out of my MF business. 4 Q And the term "blue shirt," not 5 everybody on the jury might know what that 6 means. What does that mean? 7 A Supervisor -- acting supervisor. 8 Q He was a -- a team leader; 9 correct? 10 A Yes. 11 Q And was it your understanding 12 that a team leader was sort of like a lead 13 -- an hourly lead person? 14 A Yes. 15 Q Frank indicates, I asked her not 16 to raise her voice at me and stop cussing 17 me. Is that correct? 18 A Yes. 19 Q Is that accurate? 20 A Yes. 21 Q She got madder and told me that's 22 how a F'ing blue shirt got to -- and I don't 23 know what that -- do you know what that last</p>	<p>55</p> <p>1 said, he left all that out. 2 Q Okay. 3 A But -- 4 Q Well, again, my question is, is 5 it correct that where he says, She got 6 madder and told me that's how a F'ing blue 7 shirt got to something? 8 A I don't exactly recall that. 9 Q Okay. Just not sure one way or 10 the other? 11 A Yeah. 12 (Defendant's Exhibit Number 13 5 was marked and attached to the 14 deposition.) 15 BY MS. SWAIN: 16 Q Let me show you what I'm going to 17 mark as Defendant's Exhibit 5. 18 A All right. 19 Q Is Exhibit 5 a documentation form 20 filled out by April Stuart relating to the 21 April 12th, 2006, incident? 22 A Yes. 23 Q And who is Debra Stuart?</p>
<p>54</p> <p>1 part is? 2 A BL. 3 Q What is that? 4 A Blue shirt. No. I'm not sure 5 what that is. 6 Q Well, is that part of his 7 statement accurate? 8 A He left out some in there. 9 Q Well, there may be some 10 omissions, but is the part -- is that 11 sentence correct? Is it correct that you 12 got madder and told him that's how a F'ing 13 blue shirt got to something? 14 A What I remember is we got in that 15 argument about the label machine. He was 16 like, Stop cussing me, and grabbed that 17 little microphone hanging off his shoulder 18 like he was about to call somebody and get 19 me in trouble when I'm going through hell 20 out there on that line. And I was, like, 21 You go ahead and call somebody just like a 22 little blue shirt is. And I walked out went 23 on the line. Now, that I don't -- like I</p>	<p>56</p> <p>1 A QC. 2 Q And QC stands for quality 3 control? 4 A Yes. 5 Q Am I reading this correctly? Kim 6 Perkin -- she said Perkin. It's really 7 Perkins, isn't it? 8 A Yes. 9 Q Used inappropriate language in 10 the lab about employees in the line such as 11 calling them dumbasses, stupid, MF, 12 etcetera. Is that what she says? 13 A Yes. 14 Q Is that an accurate statement? 15 A Yes. 16 Q Do you know who initially brought 17 this incident to the attention of a 18 supervisor? 19 A No. 20 Q So you don't know what prompted 21 Chris Jordan or anyone else to get involved 22 in this? 23 A No.</p>

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14 (Pages 53 to 56)



## FREEDOM COURT REPORTING

<p style="text-align: right;">57</p> <p>1 Q Now, this April 2006 incident was</p> <p>2 not the only occasion on which you cussed at</p> <p>3 employees at work; is that correct?</p> <p>4 A Yes.</p> <p>5 Q And it's your allegation that</p> <p>6 other employees cussed as well?</p> <p>7 A Oh, yes. Every day, all the</p> <p>8 time.</p> <p>9 Q And did you cuss every day all</p> <p>10 the time?</p> <p>11 A Not all the time, but yes. Yeah.</p> <p>12 Q You don't strike me, Ms. Perkins,</p> <p>13 as someone who is intimidated easily. Is</p> <p>14 that -- is that correct?</p> <p>15 A Yes.</p> <p>16 Q Is that a correct impression of</p> <p>17 you?</p> <p>18 A Yeah.</p> <p>19 Q And you don't strike me as</p> <p>20 someone who gets offended easily. Is</p> <p>21 that -- is that also correct?</p> <p>22 A Yes.</p> <p>23 Q In August of 2006, did you have</p>	<p style="text-align: right;">59</p> <p>1 a lot of depositions before.</p> <p>2 A No.</p> <p>3 Q I'm just assuming that.</p> <p>4 A No, this is the first one.</p> <p>5 Q Okay. The way it works is I ask</p> <p>6 a question, you answer the question as</p> <p>7 opposed to just sort of making whatever</p> <p>8 comments you would like to. So if we could</p> <p>9 stick with that format, I would appreciate</p> <p>10 it.</p> <p>11 A Okay.</p> <p>12 THE VIDEOGRAPHER: This is the</p> <p>13 end of tape 1. The time is 2:02:50.</p> <p>14 (Whereupon, a short break was taken.)</p> <p>15 THE VIDEOGRAPHER: Okay. This is</p> <p>16 beginning of tape 2. The time is 2:21.</p> <p>17 We're back on.</p> <p>18 BY MS. SWAIN:</p> <p>19 Q Ms. Perkins, before our break I</p> <p>20 had handed you Defendant's Exhibit 6 to look</p> <p>21 at. Have you had an opportunity to read</p> <p>22 that document?</p> <p>23 A Yes.</p>
<p style="text-align: right;">58</p> <p>1 an incident involving Adam Hall?</p> <p>2 A I had many incidents involving</p> <p>3 Adam Hall.</p> <p>4 Q Well, did you have a particular</p> <p>5 incident in August of 2006 in which you were</p> <p>6 spoken to about cussing Adam Hall?</p> <p>7 A I'm sorry. You're going to have</p> <p>8 to give me more information on that one.</p> <p>9 Q So you don't -- you don't</p> <p>10 remember a specific incident?</p> <p>11 A No.</p> <p>12 (Defendant's Exhibit Number</p> <p>13 6 was marked and attached to the</p> <p>14 deposition.)</p> <p>15 BY MS. SWAIN:</p> <p>16 Q I'm going to show you what I'm</p> <p>17 marking as Defendant's Exhibit 6.</p> <p>18 A Adam Hall has made a couple</p> <p>19 remarks to me over the years out there that</p> <p>20 he would say things just to intentionally</p> <p>21 push my buttons, to intentionally make me</p> <p>22 mad.</p> <p>23 Q I know you probably haven't given</p>	<p style="text-align: right;">60</p> <p>1 Q And is that a statement written</p> <p>2 by Adam Hall on August 2006?</p> <p>3 A Yes.</p> <p>4 Q And Adam Hall was a mechanic; is</p> <p>5 that right?</p> <p>6 A Yes.</p> <p>7 Q Do you recall the incident he is</p> <p>8 describing?</p> <p>9 A Yes.</p> <p>10 Q Can you read me the first</p> <p>11 paragraph of Mr. Hall's statement, and can</p> <p>12 you read it slow enough where he can write</p> <p>13 it down as you're reading, it would be</p> <p>14 helpful.</p> <p>15 A It says, Was zeroing out scales</p> <p>16 on line one filler when I told Harrell to</p> <p>17 send the product. Kim asked, Who sent</p> <p>18 product? And I told her, I did. She</p> <p>19 started yelling and cussing at me, I didn't</p> <p>20 zero out the fucking scales. You don't tell</p> <p>21 them to send the product. I told her, You</p> <p>22 only have to zero them once. I also told</p> <p>23 her she can't argue with someone that is</p>

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15 (Pages 57 to 60)

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<p>61</p> <p>1 right. She told me to get out of her 2 fucking face. 3 Q Is that an accurate description 4 of that incident between you and Adam Hall 5 on August 10th, 2006? 6 A Leaving a few things out but that 7 was paraphrasing it. 8 Q Well, did you tell him I didn't 9 zero out the fucking scales? 10 A Yes. 11 Q Did you tell him to get out of 12 your fucking face? 13 A He was in my face. Yes, I did. 14 Q Okay. All right. Could you read 15 the second paragraph? 16 A I never cursed at her at this 17 whole instance. I did get loud but never 18 cursed her in the whole thing. 19 Q Was that accurate? 20 A He got -- he was yelling at me in 21 my face. 22 Q Is it correct -- is it accurate 23 that he did not cuss?</p>	<p>63</p> <p>1 7 was marked and attached to the 2 deposition.) 3 BY MS. SWAIN: 4 Q I'm going to show you what I'm 5 going to mark as Defendant's Exhibit Number 6 7. 7 MS. SWAIN: Ms. Crook can look at 8 it. 9 Q Have you had an opportunity to 10 read Exhibit 7. 11 A Yes. 12 Q And is Exhibit 7 a documentation 13 form by Chris Jordan? 14 A Yes. 15 Q And is he describing what 16 happened the day -- is he describing an 17 incident that happened on August 10th, 2006? 18 A The first line is, yes. 19 Q And is he referring to the -- 20 where -- do you see where it says, I was 21 outside line one when I noticed Adam Hall 22 and Kim Perkins arguing? 23 A Yes.</p>
<p>62</p> <p>1 A I don't remember if he never 2 cursed or not because I don't remember him 3 not cursing. 4 Q You just don't remember one way 5 or the other on this particular incident? 6 A Yes. 7 Q Okay. And what do you claim was 8 left out from this statement? 9 A It's not the mechanic's job to 10 tell them to send the product. It's mine. 11 Q Okay. 12 A And I was up on top of the filler 13 messing with the scales getting them right 14 when he was zeroing them out. I always come 15 down and rezero the scales before they send 16 the product. When I asked who sent the 17 product, he yelled at me, I sent it. I 18 mean, like it says right here. I told him 19 to get out of my fucking face. He gets 20 right there and he yells and screams at you. 21 Q Anything else that was left out? 22 A No. I believe that was it. 23 (Defendant's Exhibit Number</p>	<p>64</p> <p>1 Q Is he referring to the same 2 incident we discussed and described in 3 Exhibit 6? 4 MS. CROOK: Object. 5 A I don't really know. I guess he 6 is. 7 Q Okay. Do you know of any other 8 particular arguments that you had with Adam 9 Hall on that same day? 10 A There might have been more. 11 Q You just don't know? 12 A No. 13 Q And in fact Chris Jordan 14 indicates this is not unusual. 15 A Yes. 16 Q And I think you've also already 17 indicated it wasn't unusual for you and Adam 18 Hall to -- to have arguments or conflicts; 19 correct? 20 A Yes. 21 Q And both you and Mr. Hall, 22 according to you, would use cuss words 23 during those arguments?</p>

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16 (Pages 61 to 64)

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<p>65</p> <p>1 A Yeah.</p> <p>2 Q And both of you would yell at</p> <p>3 each other?</p> <p>4 A Yes.</p> <p>5 Q Chris Jordan indicates here,</p> <p>6 There have been days they would argue one</p> <p>7 minute and laughing the next; is that</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q Did you have times you got along</p> <p>11 with Adam Hall?</p> <p>12 A Yes.</p> <p>13 Q And Mr. Jordan indicates after</p> <p>14 they finished arguing, she came over near me</p> <p>15 while placing the newsprint in the video jet</p> <p>16 and said, quote, "If I had a gun, I would go</p> <p>17 home and shoot him." This may not be word</p> <p>18 for word but gun and shoot him was said. I</p> <p>19 do not feel Kim was serious about her</p> <p>20 statement and she was aggravated at the</p> <p>21 time. Is that accurate?</p> <p>22 A I don't believe so.</p> <p>23 Q Did you make some comment to</p>	<p>67</p> <p>1 statements in front of me that -- months</p> <p>2 after the incidents took place.</p> <p>3 Q Okay. And we will talk about</p> <p>4 that in just a few minutes.</p> <p>5 A Oh.</p> <p>6 Q But my question, though, right</p> <p>7 now is whether you received any disciplinary</p> <p>8 step or action as a result of Chris Jordan's</p> <p>9 documentation form here?</p> <p>10 A Yes.</p> <p>11 Q What step did you receive?</p> <p>12 A Written up.</p> <p>13 Q Do you recall what step you got?</p> <p>14 A It was a write-up.</p> <p>15 Q Who gave you the write-up?</p> <p>16 A I believe it was Chris Jordan and</p> <p>17 Tommy Nance.</p> <p>18 Q Did you sign your write-up?</p> <p>19 A Now, from what I remember about</p> <p>20 that, I wrote a statement about how I was</p> <p>21 never able to answer to any of these when</p> <p>22 they first happened when, like, Adam Hall</p> <p>23 made his statement and a few other people</p>
<p>66</p> <p>1 Chris Jordan about having a gun and shooting</p> <p>2 Adam on August 10th of 2006?</p> <p>3 A What I believe I said if I was</p> <p>4 his wife or I'm surprised his wife hadn't</p> <p>5 shot him.</p> <p>6 Q You don't recall your having said</p> <p>7 anything about your having a gun and</p> <p>8 shooting him?</p> <p>9 A No, because I don't have a gun.</p> <p>10 I don't own one.</p> <p>11 Q Well, the statement that</p> <p>12 Mr. Jordan made was that you made was, If I</p> <p>13 had a gun I would go home and shoot him.</p> <p>14 But I don't think he indicated that -- that</p> <p>15 you indicated that you had a gun; is that</p> <p>16 right?</p> <p>17 A I don't recall making that</p> <p>18 statement.</p> <p>19 Q Did you receive any disciplinary</p> <p>20 action as a result of this incident?</p> <p>21 A This was one of those things</p> <p>22 where they brought me in the front office</p> <p>23 and laid about four or five different</p>	<p>68</p> <p>1 made their statements like it's customary to</p> <p>2 do. When a person makes a statement, they</p> <p>3 go to the other person involved, they make a</p> <p>4 statement. They didn't do that. So I wrote</p> <p>5 a paragraph about all of this.</p> <p>6 Q My question is whether you signed</p> <p>7 the write-up?</p> <p>8 A I believe I signed that.</p> <p>9 (Defendant's Exhibit Number</p> <p>10 8 was marked and attached to the</p> <p>11 deposition.)</p> <p>12 BY MS. SWAIN:</p> <p>13 Q Okay. I'm going to show you what</p> <p>14 I'm going to mark as Defendant's Exhibit 8</p> <p>15 and ask you if this is a copy of the</p> <p>16 complaint that you were just describing?</p> <p>17 And let Ms. Crook take a look at that first.</p> <p>18 Take a look.</p> <p>19 (Brief Pause)</p> <p>20 Q Did you have a chance to read</p> <p>21 through Exhibit 8?</p> <p>22 A Yes.</p> <p>23 Q And is that the complaint that</p>

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17 (Pages 65 to 68)

## FREEDOM COURT REPORTING

<p>69</p> <p>1 you were referring to that you made?</p> <p>2 A Yes.</p> <p>3 Q And in this complaint -- well,</p> <p>4 it's a number of pages; correct?</p> <p>5 A Yes.</p> <p>6 Q And did you fill out this form,</p> <p>7 the front page here, and then attach the</p> <p>8 handwritten pages that follow?</p> <p>9 A Yes.</p> <p>10 Q Okay. And you're complaining in</p> <p>11 this document about Chris Jordan; is that</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q About -- and you -- you describe</p> <p>15 a number of things that you felt like Chris</p> <p>16 was doing that weren't fair?</p> <p>17 A Yes.</p> <p>18 Q Is that pretty accurate?</p> <p>19 A Yes.</p> <p>20 Q Look at the first page. It looks</p> <p>21 the first thing you were complaining about</p> <p>22 was that Chris telling you that if you don't</p> <p>23 have waste written on the boxes around the</p>	<p>71</p> <p>1 Q Okay. Just you. But you -- you</p> <p>2 mentioned Stephanie in particular?</p> <p>3 A Yes.</p> <p>4 Q And then you mention in your</p> <p>5 complaint here that Chris had written you up</p> <p>6 and Candice up for your having M &amp; M's on</p> <p>7 the line?</p> <p>8 A Yes.</p> <p>9 Q And you indicate that you knew</p> <p>10 that it was wrong to have the M &amp; M's on the</p> <p>11 line but you claim there was another</p> <p>12 employee, Vicki Cook, who had been caught on</p> <p>13 other occasions?</p> <p>14 A Yes.</p> <p>15 Q Okay. And it was your</p> <p>16 understanding anyway that he had never done</p> <p>17 anything to Vicki?</p> <p>18 A I know he didn't.</p> <p>19 Q How do you know that?</p> <p>20 A She told me.</p> <p>21 Q Any other way that you know that?</p> <p>22 A Excuse me?</p> <p>23 Q Is there any other way that you</p>
<p>70</p> <p>1 filler he was going to write you up?</p> <p>2 A Yes.</p> <p>3 Q And then another thing you</p> <p>4 complained about was that -- let me strike</p> <p>5 that. On the first one you indicate that a</p> <p>6 different filler operator, Stephanie L. --</p> <p>7 is that Stephanie Lampley?</p> <p>8 A Yes.</p> <p>9 Q -- had not been told that by</p> <p>10 Chris; is that right?</p> <p>11 A Yes.</p> <p>12 Q So that was why you were upset</p> <p>13 about that?</p> <p>14 A Yes.</p> <p>15 Q And the second thing that you</p> <p>16 raise in this letter is Chris telling you</p> <p>17 that you had to do all your rework before</p> <p>18 you could do your paperwork?</p> <p>19 A Yes.</p> <p>20 Q And you claim that he had not</p> <p>21 told Stephanie the same thing?</p> <p>22 A Any other operator the same</p> <p>23 thing, yes.</p>	<p>72</p> <p>1 know whether or not Vicki was written up?</p> <p>2 A No. Just what she said.</p> <p>3 Q Just what Vicki told you. And</p> <p>4 then you also complain in this document that</p> <p>5 Chris had taken you to the front office a</p> <p>6 couple of weeks before you wrote this</p> <p>7 document concerning the argument between you</p> <p>8 and Adam; correct?</p> <p>9 A Yes.</p> <p>10 Q And also a situation with a</p> <p>11 floater named Rosie?</p> <p>12 A Yes.</p> <p>13 Q And then I guess that's it; is</p> <p>14 that correct?</p> <p>15 A Yes. And with the -- where Chris</p> <p>16 saw how Adam Hall was treating me and did</p> <p>17 nothing.</p> <p>18 Q Where are you talking about?</p> <p>19 A Page 3 of the handwritten.</p> <p>20 Q Let me catch up to you. All</p> <p>21 right. Which part are you referring to?</p> <p>22 A Where it says, Adam did something</p> <p>23 I thought was way out of line and started a</p>

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18 (Pages 69 to 72)

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<p style="text-align: right;">73</p> <p>1 argument.</p> <p>2 Q Okay. Okay.</p> <p>3 A And Chris was standing by the</p> <p>4 label machine and I told him, You see now</p> <p>5 what I have to put up with.</p> <p>6 Q And when you say Adam did</p> <p>7 something you thought was way out of line,</p> <p>8 is that when you were telling me that --</p> <p>9 A It was.</p> <p>10 Q -- he had talked to you about</p> <p>11 zeroing out the scales?</p> <p>12 A I'm not sure if that was one.</p> <p>13 This details a lot of instances, and this</p> <p>14 was one of the times where Adam was in my</p> <p>15 face yelling and screaming and cussing me</p> <p>16 out.</p> <p>17 Q But you don't recall specifically</p> <p>18 the incident you're describing in your</p> <p>19 letter?</p> <p>20 A There's several of them. Not</p> <p>21 right now.</p> <p>22 Q I'm asking you about the one you</p> <p>23 describe right here though.</p>	<p style="text-align: right;">75</p> <p>1 down what was said. Chris was present</p> <p>2 during the confrontation.</p> <p>3 A Yes.</p> <p>4 Q And then we -- you get to the</p> <p>5 part we were just discussing. It's not your</p> <p>6 understanding you're referencing here the</p> <p>7 statement that Adam wrote?</p> <p>8 MS. CROOK: Object.</p> <p>9 A Yeah.</p> <p>10 Q Talking about the -- the</p> <p>11 August 10th?</p> <p>12 A It might be.</p> <p>13 Q And when you were complaining in</p> <p>14 the document that we marked as Exhibit 8</p> <p>15 about Chris Jordan, you indicate on the</p> <p>16 front of this and I think also in your</p> <p>17 handwritten part, you describe Chris'</p> <p>18 conduct as being harassment; is that right?</p> <p>19 A Yes.</p> <p>20 Q And I understand that you didn't</p> <p>21 like things that you felt like Chris was</p> <p>22 doing; is that right?</p> <p>23 A Right.</p>
<p style="text-align: right;">74</p> <p>1 A Let's see. How long ago did I</p> <p>2 write this? I'm not exactly sure now which</p> <p>3 instance that was, but I do remember looking</p> <p>4 at Chris, Do you see what I've got to put up</p> <p>5 with? And Chris did absolutely nothing.</p> <p>6 Q I guess what I'm getting at is</p> <p>7 whether or not you can recall what it was</p> <p>8 you were referring to when you made that</p> <p>9 comment to Chris?</p> <p>10 A Adam cussing me out and yelling</p> <p>11 at me in my face.</p> <p>12 Q Well, you say in your -- in the</p> <p>13 written statement here that you wrote a</p> <p>14 couple weeks after that had occurred,</p> <p>15 whatever it is you're complaining about had</p> <p>16 occurred, is that Tommy claimed several</p> <p>17 people had written reports on me. Do you</p> <p>18 see that?</p> <p>19 A Yes.</p> <p>20 Q One of them was an argument</p> <p>21 between me and my mechanic Adam. Adam told</p> <p>22 me Chris went to the office, told Tommy</p> <p>23 about the argument and Donald made him write</p>	<p style="text-align: right;">76</p> <p>1 Q You're not claiming or you were</p> <p>2 not claiming at that time, however, that --</p> <p>3 that Chris Jordan was sexually harassing</p> <p>4 you, were you?</p> <p>5 A He could have been. I'm not sure</p> <p>6 why he was on me so bad.</p> <p>7 Q Well, and the other people that</p> <p>8 you say were receiving better treatment from</p> <p>9 Chris were also female; right?</p> <p>10 A Yes.</p> <p>11 Q And you're not claiming that</p> <p>12 Chris Jordan ever touched you in any sexual</p> <p>13 way?</p> <p>14 A No, he never touched me.</p> <p>15 Q Did he ever ask you out on a</p> <p>16 date?</p> <p>17 A He did little innuendos, but --</p> <p>18 as far as asking me out on a date.</p> <p>19 Q Did you mention any innuendos in</p> <p>20 the --</p> <p>21 A No, I didn't.</p> <p>22 Q -- five page written complaint</p> <p>23 that you made?</p>

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19 (Pages 73 to 76)



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<p style="text-align: right;">77</p> <p>1 A No, not in this.</p> <p>2 Q Did you mention any kind of</p> <p>3 sexual comments by Chris Jordan in this</p> <p>4 document?</p> <p>5 A No. Not -- this was about all</p> <p>6 the write-ups that I wasn't able to respond</p> <p>7 to.</p> <p>8 Q Okay. My question was: Did you</p> <p>9 mention anything about any kind of sexual</p> <p>10 conduct by Chris Jordan in this document?</p> <p>11 A No.</p> <p>12 Q After you wrote this document,</p> <p>13 did you talk to Ricky Smothers about your</p> <p>14 complaint?</p> <p>15 A Yes, I did.</p> <p>16 Q And did you indicate to Ricky</p> <p>17 that you didn't want to deal with Tommy</p> <p>18 since he was the one who had approached you</p> <p>19 about the -- he was usually who called you</p> <p>20 into the office about some of these</p> <p>21 statements that had been made about you?</p> <p>22 A Yes.</p> <p>23 Q And so is it your understanding</p>	<p style="text-align: right;">79</p> <p>1 Exhibit 8?</p> <p>2 A No.</p> <p>3 (Defendant's Exhibit Number</p> <p>4 9 was marked and attached to the</p> <p>5 deposition.)</p> <p>6 BY MS. SWAIN:</p> <p>7 Q I'm going to show you what I'm</p> <p>8 going to mark as Exhibit 9. Is Exhibit 9</p> <p>9 Mr. Smothers' response to your complaint?</p> <p>10 A Yes.</p> <p>11 Q And did you receive a copy of</p> <p>12 this document from Mr. Smothers?</p> <p>13 A I don't recall if I received one</p> <p>14 or just read over it.</p> <p>15 Q But you've seen this document</p> <p>16 before?</p> <p>17 A Yes.</p> <p>18 Q And as a result of your complaint</p> <p>19 and Mr. Smothers looking into or</p> <p>20 investigating the complaint that you made,</p> <p>21 you were given the opportunity to make the</p> <p>22 written responses or statements that you</p> <p>23 felt like you didn't get the opportunity to</p>
<p style="text-align: right;">78</p> <p>1 that's why Ricky handled your complaint</p> <p>2 instead of Tommy?</p> <p>3 A Yes.</p> <p>4 Q And was it your preference that</p> <p>5 Ricky handle the -- the issue instead of</p> <p>6 Tommy?</p> <p>7 A Anybody but Tommy.</p> <p>8 Q Okay. That's what I'm trying to</p> <p>9 get to. Was Ricky an okay person to you to</p> <p>10 handle your complaint?</p> <p>11 A He was the only one available, I</p> <p>12 guess.</p> <p>13 Q And do you -- excuse me. Do you</p> <p>14 know what Ricky's title was at that time?</p> <p>15 A To be honest with you, I don't</p> <p>16 remember what his title was.</p> <p>17 Q Okay. And Exhibit 8 is the only</p> <p>18 complaint you ever made to the company about</p> <p>19 Chris Jordan; is that right?</p> <p>20 A Didn't do any good, so yeah.</p> <p>21 Q My question is whether --</p> <p>22 A Yeah.</p> <p>23 Q -- there were any others besides</p>	<p style="text-align: right;">80</p> <p>1 make; is that right?</p> <p>2 A Yes.</p> <p>3 Q And you wrote statements</p> <p>4 regarding both the situation with Rosie and</p> <p>5 the argument with -- with Adam Hall; is that</p> <p>6 right?</p> <p>7 A Yes.</p> <p>8 Q And as to the first complaint you</p> <p>9 made about being asked to write waste on the</p> <p>10 boxes around the filler when Stephanie was</p> <p>11 not required to do so, did you understand</p> <p>12 from Mr. Smothers' response that he found</p> <p>13 that Stephanie's line, which was line three,</p> <p>14 reworks, what falls in the box so the</p> <p>15 product is added in not disposed of like on</p> <p>16 lines one and two and that's why Stephanie</p> <p>17 was not directed to write waste on the</p> <p>18 boxes? Is that what your understanding was</p> <p>19 of the findings on that issue?</p> <p>20 A That was his findings but that</p> <p>21 doesn't necessarily mean it's true.</p> <p>22 Q Do you have any reason to believe</p> <p>23 it's not true?</p>

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20 (Pages 77 to 80)

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<p style="text-align: right;">81</p> <p>1 A Yes.</p> <p>2 Q What -- what makes you think that</p> <p>3 that's not correct?</p> <p>4 A I worked on line three. I know</p> <p>5 there's a chute that comes down where excess</p> <p>6 salt, sugar, etcetera, falls down and falls</p> <p>7 into a box. Waste is supposed to be written</p> <p>8 on that box. Around the fillers cans get</p> <p>9 hung up, they fall out, they go in those</p> <p>10 boxes.</p> <p>11 Q So you -- I'm sorry.</p> <p>12 A Waste is required to be put on</p> <p>13 those boxes.</p> <p>14 Q So, ultimately, you disagreed</p> <p>15 with Mr. Smothers' finding about whether or</p> <p>16 not waste was supposed to be put on the</p> <p>17 boxes?</p> <p>18 A Yes.</p> <p>19 Q Did you have any further</p> <p>20 discussion with Mr. Smothers about that</p> <p>21 issue?</p> <p>22 A No.</p> <p>23 Q And because that particular issue</p>	<p style="text-align: right;">83</p> <p>1 know is that what happened?</p> <p>2 A Yes.</p> <p>3 Q On the situation about not being</p> <p>4 allowed to write a statement for the</p> <p>5 arguments with Rosie and Adam, he found that</p> <p>6 you admitted that you and others used</p> <p>7 profanity in the plant; is that correct?</p> <p>8 A Yes.</p> <p>9 Q And that's what you've told me</p> <p>10 here today; is that right?</p> <p>11 A Yes.</p> <p>12 Q And he indicated that he thought</p> <p>13 perhaps Tommy didn't ask for a statement</p> <p>14 because you already had been talked to about</p> <p>15 that situation in -- in the past; is that</p> <p>16 right?</p> <p>17 A That's what he's got down.</p> <p>18 Q And you had in fact been talked</p> <p>19 about -- talked to about using inappropriate</p> <p>20 language and improving your communication</p> <p>21 skills prior to the incident with Adam;</p> <p>22 right?</p> <p>23 A Yes.</p>
<p style="text-align: right;">82</p> <p>1 was not something that resulted in</p> <p>2 documentation in your file or anything like</p> <p>3 that, there was nothing formal that was</p> <p>4 changed about that issue; correct?</p> <p>5 A Yeah.</p> <p>6 Q And then on number 2, the second</p> <p>7 issue that you raised about your being</p> <p>8 required to perform your rework before</p> <p>9 putting your paperwork instead working on</p> <p>10 your paperwork first, was it your</p> <p>11 understanding that Mr. Smothers found that</p> <p>12 some team members on your line were</p> <p>13 complaining that you would drag out the</p> <p>14 paperwork and assist them in performing the</p> <p>15 rework but that he was going to change it so</p> <p>16 that all fillers operators would be required</p> <p>17 to do rework first and paperwork last on all</p> <p>18 lines?</p> <p>19 A Yes.</p> <p>20 Q And as far as you know is that</p> <p>21 what happened?</p> <p>22 A That's what he said, yes.</p> <p>23 Q And do you know -- as far as you</p>	<p style="text-align: right;">84</p> <p>1 Q He indicated that because you in</p> <p>2 fact had -- strike that. He did allow for</p> <p>3 you to write, as we've just discussed a</p> <p>4 minute ago, statements on both of those</p> <p>5 issues for your file; correct?</p> <p>6 A Yes.</p> <p>7 Q And you did that?</p> <p>8 A Yes.</p> <p>9 Q And then he indicated because the</p> <p>10 charges were still justified because of the</p> <p>11 profanity but that he would follow up with</p> <p>12 the other team members' behavior that made</p> <p>13 you angry; is that right?</p> <p>14 A He never did.</p> <p>15 Q How do you know that?</p> <p>16 A Because I asked him.</p> <p>17 Q Asked who?</p> <p>18 A The other people that was around.</p> <p>19 Q What people were those?</p> <p>20 A I asked Adam, I talked to Wesley</p> <p>21 McGinnis, talked to several people. No.</p> <p>22 Q Who else did you talk to besides</p> <p>23 Adam and Wesley?</p>

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21 (Pages 81 to 84)

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<p style="text-align: right;">85</p> <p>1 A They were the main ones that 2 liked to push my button and like to get up 3 in my face, so they were the main ones that 4 I spoke to. 5 Q Okay. Are they the only ones 6 that you spoke to? I'm sorry. 7 A They were the main ones the 8 arguments and all that was with. 9 Q Are they the only ones you spoke 10 to about whether or not Ricky followed up 11 with them? 12 A Yes. 13 Q What conversation did you have 14 with Adam Hall on that subject? 15 A I asked him did he ever get 16 written up for cussing me or anything like 17 that, and he was, like, no. 18 Q Did you have any other 19 conversation with Adam on that issue? 20 A That was with Adam and Wesley. 21 Q Did you have any other 22 conversation with Adam about that issue? 23 A No.</p>	<p style="text-align: right;">87</p> <p>1 A Yes. 2 Q But do you -- do you know whether 3 you received it that day or went over it 4 that day? 5 A I'm not sure. 6 Q But within a couple days after 7 that you had spoken with both Adam and 8 Wesley? 9 A Yes. 10 Q You were told by Ricky that 11 retaliation would not be tolerated; is that 12 correct? 13 A Yes. 14 Q And you were told that if you 15 were not satisfied with this response, that 16 you could take it to the next step, which 17 would normally be Tommy but since you 18 weren't comfortable going to Tommy, that you 19 could go to Alice Clark, the positional HR 20 director; is that correct? 21 A Yes. 22 Q Did you ever ask what -- the 23 final step after that would be to talk to</p>
<p style="text-align: right;">86</p> <p>1 Q What conversations did you have 2 with Wesley about whether or not Ricky had 3 followed up with? 4 A I asked Wesley the same thing. 5 No. I asked Wesley did -- did Ricky or 6 anybody -- 7 Q Did you ask if he was written up? 8 A Yeah. Did you get brought up in 9 the front office or anybody write you up? 10 Q And his answer was? 11 A No. 12 Q Did you have any other 13 conversation with Wesley on that issue? 14 A No. 15 Q When did you have the 16 conversation with Adam? 17 A Right after this. 18 Q And the same with Wesley? 19 A Wesley was a couple days later. 20 We didn't work together closely until a 21 couple days after that. 22 Q So this -- this document was 23 written on September 7th, 2006?</p>	<p style="text-align: right;">88</p> <p>1 Marry Ann Boyer; is that right? 2 A Yeah. 3 Q Did you ask Ricky Smothers to set 4 up a time for you to speak with Alice Clark? 5 A No, I didn't. 6 Q Did you ever talk to Mary Ann 7 Boyer about your complaints that you made 8 here in this letter? 9 A No, I didn't. 10 Q Did you ever make any -- take any 11 further action with respect to the 12 complaints that -- that you made in Exhibit 13 8 and that Ricky responded to in Exhibit 9? 14 A No. After -- I didn't feel like 15 it would do any good. 16 Q Why did you not feel like it 17 would do any good? 18 A Let's -- it's just the way it was 19 handled and the way it was started to begin 20 with, I just really did not feel like it 21 would do any good. 22 Q Okay. So you weren't satisfied 23 with Ricky's response?</p>

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<p>89</p> <p>1 A Not really. And several things, 2 especially the first one, and the definition 3 of harassment. He -- from what -- the way 4 he made it sound like, his definition of 5 harassment is everybody's else's definition 6 of discrimination. 7 Q So did he make it sound as if for 8 it to be harassment it had to be -- relate 9 to your -- kind of really it's a 10 individual's race, religion, color, age, 11 sex, sexual orientation, national origin, 12 ancestry, veteran status, or status as an 13 individual with a disability? 14 A Yes. 15 Q And you disagree with that? 16 A Yes. 17 Q And then you also disagree with 18 his findings on the first issue here; is 19 that right? 20 A Oh, yes. 21 Q Is there anything else about 22 Ricky's response that you were not satisfied 23 with?</p>	<p>91</p> <p>1 that you felt like you were not satisfied 2 with? 3 A No. That's fine. 4 Q Did you ever make any other 5 complaints to anyone at management or human 6 resources during your employment at Flavor 7 House? 8 A No. 9 (Defendant's Exhibit Number 10 10 was marked and attached to the 11 deposition.) 12 BY MS. SWAIN: 13 Q We won't go over these in depth, 14 but I want to mark for you and let you 15 identify for me -- I will mark as Exhibit 10 16 one of the statements that you made that you 17 were talking about that you were -- talking 18 about they -- when you were allowed to make 19 -- go back and make some statements about 20 events that had happened prior. Is Exhibit 21 10 the statement you wrote in response to 22 the situation with Rosie? 23 A Yes.</p>
<p>90</p> <p>1 A As far as the second point goes 2 where team members complain, first of all, 3 after you've worked all day long and then 4 you got to go back you do rework, if 5 somebody walks off the line to do anything, 6 everybody else is going to complain 7 regardless. We had a whole bunch of 8 paperwork we had to do at the end of every 9 shift. None of us -- no filler operator 10 dragged our feet on it because we wanted to 11 hurry up and get it over with and then we go 12 out there and did the rework. They were 13 going to complain regardless. 14 Q Well, in an effort to satisfy 15 your concerns on that point, is it correct 16 that Ricky indicated that all the filler 17 operators would be required to do their 18 rework first? 19 A Yes. 20 Q So that addressed your concern; 21 right? 22 A Yes. 23 Q Anything else about this response</p>	<p>92</p> <p>1 (Defendant's Exhibit Number 2 11 was marked and attached to the 3 deposition.) 4 BY MS. SWAIN: 5 Q Let me show you what I marked as 6 Defendant's Exhibit 11 and ask you if this 7 is a copy of -- is Exhibit 11 a copy of 8 Rosie's documentation from about the same 9 incident? 10 (Brief Pause.) 11 Q Did you have an opportunity to 12 read Exhibit 11? 13 A Uh-huh. 14 Q Is that a yes? 15 A Yes. 16 Q And is it your understanding that 17 that is a statement that Rosie made about 18 your conduct? 19 A Yes. 20 Q And then Exhibit 10, you see that 21 is your -- your statement about the same 22 incident; correct? 23 A Yes.</p>



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<p>93</p> <p>1 Q Did you have a problem with --</p> <p>2 with Rosie?</p> <p>3 A On this incident, yes.</p> <p>4 Q What was your problem with Rosie?</p> <p>5 A She flat out lied.</p> <p>6 Q What did she lie about?</p> <p>7 A This is -- this was not the first</p> <p>8 time we ran Great Value, and everybody in</p> <p>9 that plant new Great Value was very</p> <p>10 important. The nitrogen could not go as</p> <p>11 high as all the rest of the product. It was</p> <p>12 not supposed to go over three, and she kept</p> <p>13 letting it run. She kept getting higher</p> <p>14 numbers and didn't say anything. And</p> <p>15 everybody knew. Me and Candice reminded her</p> <p>16 every day, with the exception that one day,</p> <p>17 that it could not go above a three. And</p> <p>18 then she lied to Melvin and everybody else</p> <p>19 saying, oh, she didn't know.</p> <p>20 Q And so just I better understand</p> <p>21 that situation. Basically she made an error</p> <p>22 by letting product run with nitrogen levels</p> <p>23 that were too high; correct?</p>	<p>95</p> <p>1 A I asked her, Why didn't you say</p> <p>2 something? Why didn't you stop the line.</p> <p>3 Q And when you asked her that, were</p> <p>4 you yelling at her?</p> <p>5 A I don't consider what I was doing</p> <p>6 yelling. But, yeah, it was a raised voice.</p> <p>7 Q Did Rosie yell at you?</p> <p>8 A She might have raised her voice a</p> <p>9 little bit but --</p> <p>10 Q Do you recall whether she did or</p> <p>11 not?</p> <p>12 A No, honestly.</p> <p>13 Q Did Rosie cuss at you?</p> <p>14 A No. I don't believe she did.</p> <p>15 Q Did you ever hear her cuss at</p> <p>16 work?</p> <p>17 A Yeah, every now and then.</p> <p>18 Q When did you hear her cuss at</p> <p>19 work?</p> <p>20 A I don't remember certain</p> <p>21 instances or days or times or whatever.</p> <p>22 Q Do you remember any instance when</p> <p>23 you heard her using cuss words a work?</p>
<p>94</p> <p>1 A Yes.</p> <p>2 Q And she was supposed to be</p> <p>3 checking the nitrogen levels?</p> <p>4 A Yes.</p> <p>5 Q And she was doing that but they</p> <p>6 were -- she was getting readings that were</p> <p>7 higher than was acceptable?</p> <p>8 A Yes.</p> <p>9 Q And she didn't let anybody know</p> <p>10 about that; is that right?</p> <p>11 A Yes.</p> <p>12 Q And as a result of that, you</p> <p>13 became angry with her?</p> <p>14 A Yes, because she lied.</p> <p>15 Q And you cussed at her?</p> <p>16 A Not directly at her, no, I</p> <p>17 didn't.</p> <p>18 Q You cussed but you're saying it</p> <p>19 wasn't directly --</p> <p>20 A In her presence -- in her</p> <p>21 presence or maybe somewhere around where she</p> <p>22 was, but no, not at her.</p> <p>23 Q Did you yell at her?</p>	<p>96</p> <p>1 A A little bit, yes. I mean</p> <p>2 nothing real bad.</p> <p>3 Q What -- what instances do you</p> <p>4 remember?</p> <p>5 A It's just talking on the line.</p> <p>6 Q What I'm trying to find out is</p> <p>7 are there any particular instances that you</p> <p>8 ever remember Rosie using curse words?</p> <p>9 A No, not particular instances, but</p> <p>10 I do remember hearing it.</p> <p>11 (Defendant's Exhibit Number</p> <p>12 12 was marked and attached to the</p> <p>13 deposition.)</p> <p>14 BY MS. SWAIN:</p> <p>15 Q I'm going to show you what I</p> <p>16 marked as Defendant's Exhibit 12 and ask you</p> <p>17 if that is the -- the response that you made</p> <p>18 to the Adam Hall situation? Is this your</p> <p>19 statement?</p> <p>20 A Yes.</p> <p>21 Q Do you say anything in here about</p> <p>22 Adam cursing you?</p> <p>23 A No, I didn't.</p>



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<p style="text-align: right;">97</p> <p>1 Q Is that because you felt like you 2 could deal with that on your own? 3 A Yes. 4 Q Is that because Adam -- is that 5 because cursing didn't really bother you? 6 A Yes. Unless somebody was up in 7 my face. 8 Q You told me earlier that Adam was 9 up in your face in this instance? 10 A There's been several times when 11 he was. 12 Q Yeah. But you didn't mention 13 that in your statement here, did you? 14 A No. But this was also taken 15 what, a month or so afterwards. 16 Q Of course you remember it now, 17 which is almost two years afterwards; right? 18 A I was writing, like, several of 19 them at one time, and I was also very highly 20 upset when I was writing this because of 21 everything that had been laid out in front 22 of me. 23 Q And that's why you didn't put</p>	<p style="text-align: right;">99</p> <p>1 there at the bottom of the page? 2 A Yes. 3 Q You write, I was never given -- I 4 was never asked to give my side of any 5 incident in this report. I feel it's 6 extremely one-sided and is being used to 7 find excuses to get me trouble. Is that 8 what you wrote? 9 A Yes. 10 Q And subsequent to this, after you 11 made your complaint, you did make the 12 statement -- your statement -- your side of 13 the issue; correct? 14 A Yes. 15 Q Who did you feel like was looking 16 for excuses to get you in trouble? 17 A Chris Jordan. 18 Q Why do you think he wanted to get 19 you in trouble? 20 A I'm not really sure. 21 Q He just didn't like you? 22 A There was an incident that had 23 happened before he became a supervisor when</p>
<p style="text-align: right;">98</p> <p>1 that in there? 2 A I just didn't write it in there. 3 Q Well, I -- I see that you didn't 4 write it in there. What I'm trying to get 5 to is did you not write it in there because 6 it didn't bother you that much? 7 A Yeah, it bothered me. 8 Q Did you not put it in there 9 because you felt like you could handle that 10 by yourself? 11 A Yes, because I -- I stand up to 12 them. 13 (Defendant's Exhibit Number 14 13 was marked and attached to the 15 deposition.) 16 BY MS. SWAIN: 17 Q Okay. Let me show you what I 18 marked as Defendant's Exhibit 13. Is 19 Exhibit 13 a copy of the first step written 20 counseling you were given relating to the 21 argument with Adam Hall? 22 A Yes. 23 Q Is that your handwriting down</p>	<p style="text-align: right;">100</p> <p>1 he was still a label operator, and I don't 2 know if that had something to do with it. 3 Q Well, what was the incident that 4 happened before he became a supervisor? 5 A I was running line four filler 6 and he was on line four label machine, and 7 we were in the process of doing a change 8 over. And we take a -- a tray, run it 9 through the box crimp, everybody looks at it 10 and signs off on it. And on the next change 11 over I just took a black magic marker, wrote 12 X's all the way down the side of that box 13 where the old box print was, turned it 14 around and ran it through the new order. He 15 grabbed the tray. He turned around and 16 looked and he said, This ain't right. And I 17 the tray and I looked at it and I was, like, 18 Yeah, it is. And he turned it around. He 19 said, No, it's not. I said, Chris, why do 20 you think I have all these black X's over 21 it? And I turned the tray around and showed 22 it to him. I guess he thought that was 23 humiliating or what, I don't know.</p>

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<p>101</p> <p>1 Q So that was the extent of the</p> <p>2 incident you had with him?</p> <p>3 A Yeah.</p> <p>4 Q Do you remember when that was? I</p> <p>5 mean how long before --</p> <p>6 A No. It was a couple of weeks or</p> <p>7 so or a week or so before he became a</p> <p>8 supervisor.</p> <p>9 Q Do you remember when he became a</p> <p>10 supervisor?</p> <p>11 A No, I don't. I was on line five</p> <p>12 when that happened.</p> <p>13 Q Anything else -- any other reason</p> <p>14 why you think Chris Jordan didn't like you?</p> <p>15 A I have no idea.</p> <p>16 Q Okay. Other than Adam Hall and</p> <p>17 Linda Thornton, were there any other</p> <p>18 employees at Flavor House that you had</p> <p>19 significant conflicts with?</p> <p>20 A Wesley McGinnis, David. I don't</p> <p>21 remember David's last name. He was a</p> <p>22 mechanic.</p> <p>23 Q Was Wesley also a mechanic?</p>	<p>103</p> <p>1 Q Were you present during that</p> <p>2 conflict?</p> <p>3 A I wasn't on that line.</p> <p>4 Q Where were you?</p> <p>5 A To tell you the truth, I don't</p> <p>6 remember where I was. I remember walking</p> <p>7 outside on break and seeing Linda sitting</p> <p>8 outside crying.</p> <p>9 Q So that was after the -- the</p> <p>10 conflict?</p> <p>11 A Yeah, after it. And heard from</p> <p>12 several different people about Frank's</p> <p>13 behavior.</p> <p>14 Q Did you personally witness that</p> <p>15 conflict on June 14th? I mean apart from</p> <p>16 seeing Linda afterwards. I mean, did you</p> <p>17 see what went on between Frank and Linda</p> <p>18 that day?</p> <p>19 A Not that particular day.</p> <p>20 Q And you've indicated that you</p> <p>21 spoke with Linda outside after that</p> <p>22 incident?</p> <p>23 A Yes.</p>
<p>102</p> <p>1 A Yes.</p> <p>2 Q Anybody else?</p> <p>3 A Another mechanic named Wes.</p> <p>4 Q This is different than Wesley?</p> <p>5 A Yes.</p> <p>6 Q You know -- you don't know</p> <p>7 Wesley's last name?</p> <p>8 A No, I don't.</p> <p>9 Q Okay. Anybody else you had</p> <p>10 problems with?</p> <p>11 A That's it.</p> <p>12 Q Do you know where you were</p> <p>13 working -- let me strike that. Do you know</p> <p>14 whether you were at work on June 14th, 2006?</p> <p>15 A I have no clue.</p> <p>16 Q Do you know what line you were</p> <p>17 working on that day?</p> <p>18 MS. CROOK: Object.</p> <p>19 A I don't know.</p> <p>20 Q Have you heard about a conflict</p> <p>21 between Frank Williams and Linda Thornton</p> <p>22 that happened on June 14th, 2006?</p> <p>23 A Yes.</p>	<p>104</p> <p>1 Q Do you recall what conversation</p> <p>2 you had with Linda at that time?</p> <p>3 A I asked her what was wrong, why</p> <p>4 was she crying. She said Frank just went</p> <p>5 crazy on her just, went psycho, started</p> <p>6 throwing stuff and she was scared.</p> <p>7 Q Any other conversation with Linda</p> <p>8 about that incident?</p> <p>9 A I asked her how she was doing,</p> <p>10 you know, right -- she said she was nervous</p> <p>11 and she was scared of him.</p> <p>12 Q Okay. Anything else that was</p> <p>13 said between you and Linda about that</p> <p>14 incident?</p> <p>15 A No.</p> <p>16 Q Have you talked to Linda on any</p> <p>17 other occasions about that incident between</p> <p>18 her and Frank?</p> <p>19 A Not a lot about it. What I said</p> <p>20 about home life and all, that's the main</p> <p>21 thing we talk about.</p> <p>22 Q Yeah. I'm just talking about</p> <p>23 that particular incident?</p>

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<p>105</p> <p>1 A No.</p> <p>2 Q Did you ever talk to Frank</p> <p>3 Williams about that incident?</p> <p>4 A Not too much because I know how</p> <p>5 Frank is.</p> <p>6 Q Well my question is did you or</p> <p>7 did you not talk to Frank Williams about</p> <p>8 that incident?</p> <p>9 A No, not really.</p> <p>10 Q No what?</p> <p>11 A No, not really.</p> <p>12 Q Did you ever have -- did you ever</p> <p>13 talk to Frank Williams about Linda Thornton?</p> <p>14 A I didn't speak to him personally.</p> <p>15 I heard him talking outside to other people,</p> <p>16 but as far as me, personally --</p> <p>17 Q And who did you hear Frank</p> <p>18 Williams talk to about Linda Thornton?</p> <p>19 A Just people sitting outside at</p> <p>20 break.</p> <p>21 Q Do you recall who?</p> <p>22 A What was her name? A woman that</p> <p>23 worked in the office. Lee-something.</p>	<p>107</p> <p>1 A Frank was saying, The bitch is</p> <p>2 crazy, and how this was all just bullshit</p> <p>3 and he was glad she was gone.</p> <p>4 Q So this is actually when Linda</p> <p>5 was gone?</p> <p>6 A Yeah.</p> <p>7 Q Any other conversation you heard</p> <p>8 between Frank and Jewel about Linda?</p> <p>9 A No.</p> <p>10 Q I'm sorry?</p> <p>11 A No.</p> <p>12 Q What response did Jewel make to</p> <p>13 these comments?</p> <p>14 A I couldn't hear her. She was</p> <p>15 talking real low.</p> <p>16 Q And were all -- was all of this</p> <p>17 said during one conversation or these</p> <p>18 comments were made during different</p> <p>19 conversations?</p> <p>20 A During different conversations.</p> <p>21 Q Were all the con -- where did all</p> <p>22 these conversations take place? Was it the</p> <p>23 same place?</p>
<p>106</p> <p>1 Q Lee Taylor or Lee Allums?</p> <p>2 A Whichever one is there now, it's</p> <p>3 the other one. I think Lee Allums is there</p> <p>4 now.</p> <p>5 Q So you think it's Lee Taylor?</p> <p>6 A I heard him talk to Stephanie</p> <p>7 about her, Stephanie Lampley.</p> <p>8 Q Okay. Anybody else?</p> <p>9 A There was just several people.</p> <p>10 It wasn't just one particular day that he</p> <p>11 spoke.</p> <p>12 Q Okay. It can be as many people</p> <p>13 as you heard but I would like to know who</p> <p>14 those people are.</p> <p>15 A Jewel.</p> <p>16 Q Jewel Silby?</p> <p>17 A I don't know. I don't know her</p> <p>18 last name.</p> <p>19 Q Okay. Anybody else?</p> <p>20 A Right off the bat, that's all I</p> <p>21 can remember.</p> <p>22 Q What conversation did you hear</p> <p>23 between Jewel and Frank about Linda?</p>	<p>108</p> <p>1 A Yeah, outside break place.</p> <p>2 Q Okay. What conversation did you</p> <p>3 hear between Frank and Stephanie Lampley</p> <p>4 about --</p> <p>5 A Pretty much the same thing.</p> <p>6 Crazy bitch.</p> <p>7 Q And were these conversations also</p> <p>8 after Linda was gone?</p> <p>9 A Yes.</p> <p>10 Q And were they also out in the</p> <p>11 smoking area or the outdoor area, the break</p> <p>12 area?</p> <p>13 A Yes.</p> <p>14 Q Okay. What conversations did you</p> <p>15 hear between Frank and Lee Taylor about</p> <p>16 Linda Thornton.</p> <p>17 A He was going to fuck her up.</p> <p>18 Q Anything else?</p> <p>19 A I got up and left after that one.</p> <p>20 Q When did you hear that</p> <p>21 conversation?</p> <p>22 A Outside on the smoking area.</p> <p>23 Q When?</p>

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<p style="text-align: right;">109</p> <p>1 A It was after she was gone.</p> <p>2 Q After Linda was gone?</p> <p>3 A Yeah.</p> <p>4 Q Do you remember how long it was</p> <p>5 after Linda was gone?</p> <p>6 A No, not really. I mean --</p> <p>7 Q Have you had any conversations</p> <p>8 with Linda -- let me strike that. Other</p> <p>9 than these three individuals that you told</p> <p>10 me about, have you heard Frank Taylor (sic)</p> <p>11 talk about Linda Thornton to anybody else?</p> <p>12 A After a little while he quit</p> <p>13 talking about her.</p> <p>14 Q Okay. My question --</p> <p>15 A Around me.</p> <p>16 Q Okay. Was there anybody else</p> <p>17 besides these people that you heard Frank</p> <p>18 talk to about Linda?</p> <p>19 A He just generally talked to</p> <p>20 anybody, I mean.</p> <p>21 Q Again, are there any other people</p> <p>22 that you know of specifically that he spoke</p> <p>23 to about Linda?</p>	<p style="text-align: right;">111</p> <p>1 I don't recall who all was sitting out</p> <p>2 there.</p> <p>3 Q And all of these comments were</p> <p>4 made after Linda was already gone?</p> <p>5 A Yes.</p> <p>6 THE VIDEOGRAPHER: We are off at</p> <p>7 3:21:39.</p> <p>8 (Whereupon, a short break was taken.)</p> <p>9 THE VIDEOGRAPHER: Okay. We're</p> <p>10 back on. The time is 3:32. This is the</p> <p>11 beginning of tape 3.</p> <p>12 BY MS. SWAIN:</p> <p>13 Q Ms. Perkins, we were talking</p> <p>14 before the break about some comments that</p> <p>15 you heard after Ms. Thornton left Flavor</p> <p>16 House that you -- you say that Frank</p> <p>17 Williams made to some other employees; is</p> <p>18 that right?</p> <p>19 A Yes.</p> <p>20 Q Did you tell Ms. Thornton about</p> <p>21 those comments?</p> <p>22 A Some of them were made before she</p> <p>23 left. Most of them were after.</p>
<p style="text-align: right;">110</p> <p>1 A That I can remember their names,</p> <p>2 no.</p> <p>3 Q Or that you can remember their</p> <p>4 description or position that they worked in?</p> <p>5 A No.</p> <p>6 Q Other than these comments that</p> <p>7 you've described, are there any other</p> <p>8 comments that you heard even if you can't</p> <p>9 remember who they were made to?</p> <p>10 A The main thing I heard was</p> <p>11 that -- That bitch is crazy, she ain't</p> <p>12 fucking right, that's a crazy bitch.</p> <p>13 Q These are the comments that you</p> <p>14 told me he made --</p> <p>15 A Yeah.</p> <p>16 Q -- to Stephanie and Jewel?</p> <p>17 A Yeah.</p> <p>18 Q Is that yes?</p> <p>19 A And several people, yeah. I</p> <p>20 think there was a group of people sitting</p> <p>21 outside --</p> <p>22 Q But you can't recall --</p> <p>23 A -- at the smoking table. But no,</p>	<p style="text-align: right;">112</p> <p>1 Q Well, you just told me a few</p> <p>2 minutes ago they were all made after she</p> <p>3 left. Which is -- which is the truth?</p> <p>4 A It was a while back, so</p> <p>5 remembering exact things is kind of hard. I</p> <p>6 mean, when it was done and when they were</p> <p>7 said. Some of them were before she left,</p> <p>8 but most of them was after.</p> <p>9 Q Did you just talk during this</p> <p>10 break to Ms. Thornton about those comments?</p> <p>11 A No. We were talking about</p> <p>12 supper.</p> <p>13 Q Did Ms. Thornton tell you it</p> <p>14 would be more helpful to her case if you</p> <p>15 would tell me that some of those comments</p> <p>16 were made before she left?</p> <p>17 A No. We were talking about</p> <p>18 supper. We haven't discussed this case.</p> <p>19 Q You've never discussed this case?</p> <p>20 A We talked about what it was</p> <p>21 about, the sexual harassment, and then we</p> <p>22 talked about her home life. But outside we</p> <p>23 were talking about supper, cooking and all</p>



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<p style="text-align: right;">113</p> <p>1 that.</p> <p>2 Q Okay. And on your own without</p> <p>3 anybody suggesting it to you and without me</p> <p>4 asking you again when the comments were</p> <p>5 made, you suddenly decided that some of the</p> <p>6 comments were made before she left.</p> <p>7 A No, I didn't suddenly decide. I</p> <p>8 just remembered. I mean, remembering that</p> <p>9 long ago when certain things were made and</p> <p>10 when they weren't, when you get to talk</p> <p>11 about them certain things start coming back.</p> <p>12 Q Okay. Well, what was it that</p> <p>13 happened during a break that made you</p> <p>14 remember that?</p> <p>15 A Nothing. Sitting in here talking</p> <p>16 to you.</p> <p>17 Q I wasn't talking to you during</p> <p>18 this break.</p> <p>19 A I meant before we went to break.</p> <p>20 Q In any event, so what comments</p> <p>21 were made before Linda made -- before Linda</p> <p>22 left?</p> <p>23 A Calling her a bitch and things</p>	<p style="text-align: right;">115</p> <p>1 A No. By then we had done started</p> <p>2 talking about her home life, that things</p> <p>3 started going down without her being in a</p> <p>4 job.</p> <p>5 Q Okay. We talked about the -- the</p> <p>6 incident, the conflict between Linda</p> <p>7 Thornton and Frank Williams on June 14th and</p> <p>8 you talked to Linda about that after the</p> <p>9 fact. Did you witness any other conflict</p> <p>10 between Frank Williams and Linda Thornton?</p> <p>11 A No.</p> <p>12 Q Did you ever witness Frank</p> <p>13 Williams use profanity?</p> <p>14 A Oh, yes.</p> <p>15 Q Do you recall any specific</p> <p>16 instances when you witnessed Frank Williams</p> <p>17 use profanity?</p> <p>18 A It was every day, literally.</p> <p>19 Q Is that a no?</p> <p>20 A It was every day.</p> <p>21 Q Do you remember any specific</p> <p>22 instances that you can describe for me when</p> <p>23 Frank Williams used profanity?</p>
<p style="text-align: right;">114</p> <p>1 like that.</p> <p>2 Q Any other comments besides</p> <p>3 calling her a bitch that were made before</p> <p>4 she left?</p> <p>5 A Not that I can exactly remember</p> <p>6 at this time.</p> <p>7 Q Okay. Did you tell Linda about</p> <p>8 these comments --</p> <p>9 A Yeah.</p> <p>10 Q -- either before or after she</p> <p>11 left?</p> <p>12 A Yeah.</p> <p>13 Q Did you tell her that Frank had</p> <p>14 called her a bitch before she left?</p> <p>15 A Yeah.</p> <p>16 Q And then did you call her after</p> <p>17 she left and tell her about the other</p> <p>18 comments?</p> <p>19 A I told her a couple -- that talk</p> <p>20 was going around that he was really, really</p> <p>21 upset.</p> <p>22 Q Okay. Did you tell her anything</p> <p>23 else?</p>	<p style="text-align: right;">116</p> <p>1 A Talking about rework and having</p> <p>2 to do rework and people on the line not</p> <p>3 doing their jobs and supervisors and how he</p> <p>4 felt like supervisors wasn't treating him</p> <p>5 fair because he had to do so much.</p> <p>6 Q Okay. Anything else?</p> <p>7 A Them cutting our lunch time.</p> <p>8 Q Anything else?</p> <p>9 A Having to watch so many things at</p> <p>10 one time, train people plus watch over the</p> <p>11 line and mechanics not doing their job.</p> <p>12 Q Okay. Anything else?</p> <p>13 A At this time that's the main</p> <p>14 thing that I can remember.</p> <p>15 Q Okay. Were you offended by Frank</p> <p>16 Williams using profanity?</p> <p>17 A No.</p> <p>18 Q Did you ever use profanity in</p> <p>19 front of Frank Williams?</p> <p>20 A Yes.</p> <p>21 Q Did you ever complain to anybody</p> <p>22 about Frank Williams using profanity?</p> <p>23 A No.</p>



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<p style="text-align: right;">117</p> <p>1 Q Did you ever complain about any</p> <p>2 employees using profanity?</p> <p>3 A No.</p> <p>4 Q Did you ever hear Frank Williams</p> <p>5 make any comments of a sexual nature?</p> <p>6 A Yes.</p> <p>7 Q What comments did you hear Frank</p> <p>8 Williams make of a sexual nature?</p> <p>9 A Just jokes, telling dirty jokes.</p> <p>10 Q Anything else?</p> <p>11 A Talking about women, the way they</p> <p>12 looked, certain women.</p> <p>13 Q Okay. Anything else?</p> <p>14 A That was -- right now that's all</p> <p>15 I can remember.</p> <p>16 Q Do you recall any of the dirty</p> <p>17 jokes that -- that Frank Williams told?</p> <p>18 A No. It's a factory. There's so</p> <p>19 many dirty jokes out there, you can't</p> <p>20 remember them all.</p> <p>21 Q Did you ever tell dirty jokes at</p> <p>22 work?</p> <p>23 A I'm sure I did.</p>	<p style="text-align: right;">119</p> <p>1 A Remember the jokes?</p> <p>2 Q Yeah.</p> <p>3 A I remember him telling but I</p> <p>4 don't remember the jokes.</p> <p>5 Q But not -- but not what the joke</p> <p>6 was?</p> <p>7 A Yeah.</p> <p>8 Q And do you remember any dirty</p> <p>9 jokes that you told?</p> <p>10 A No.</p> <p>11 Q And then you indicated you had</p> <p>12 heard Frank talk about certain women and the</p> <p>13 way they looked. Do you recall what</p> <p>14 comments you heard?</p> <p>15 A Talking about how big their butts</p> <p>16 were or -- in general how they looked.</p> <p>17 Q Okay. Who -- who?</p> <p>18 A Who was he talking about --</p> <p>19 Q Correct.</p> <p>20 A -- or who did he talk to?</p> <p>21 Q Well, who did he talk -- let's</p> <p>22 start with who he was talking about.</p> <p>23 A I don't know. Mainly it was</p>
<p style="text-align: right;">118</p> <p>1 Q Did you ever tell any dirty jokes</p> <p>2 to Frank Williams?</p> <p>3 A Not that I recall.</p> <p>4 Q Did you ever tell any dirty jokes</p> <p>5 to Linda Thornton?</p> <p>6 A Not that I recall.</p> <p>7 Q Do you recall whether Linda ever</p> <p>8 told you any dirty jokes?</p> <p>9 A No.</p> <p>10 Q No, she didn't or, no, you don't?</p> <p>11 A No, she didn't.</p> <p>12 Q I'm sorry?</p> <p>13 A No, she didn't.</p> <p>14 Q Do you recall anybody else who</p> <p>15 might have been present when Frank Williams</p> <p>16 told a dirty joke -- told any dirty jokes?</p> <p>17 A Mary.</p> <p>18 Q Is that Mary Brooks?</p> <p>19 A Yeah. I don't remember anybody</p> <p>20 else's name.</p> <p>21 Q And I think I asked you this but</p> <p>22 just to make sure what you said. Do you</p> <p>23 remember any dirty jokes that Frank told?</p>	<p style="text-align: right;">120</p> <p>1 temps that was working out there or, who was</p> <p>2 it, personal resources coordinators.</p> <p>3 Q All right. And do you recall --</p> <p>4 well, strike that. Do you recall any</p> <p>5 specific employee that he made a comment</p> <p>6 about the way they looked?</p> <p>7 A There was a couple coordinators</p> <p>8 out there. Talking about how fine they were</p> <p>9 and how he liked their butt and all that,</p> <p>10 but I never knew of their names. I never</p> <p>11 talked to any of them.</p> <p>12 Q And then who were these comments</p> <p>13 made to?</p> <p>14 A Me.</p> <p>15 Q He talked to you?</p> <p>16 A Yeah.</p> <p>17 Q Okay. Anybody else that he was</p> <p>18 talking to when he made these comments?</p> <p>19 A I don't know if he said anything</p> <p>20 to anybody else.</p> <p>21 Q Were you offended by the</p> <p>22 comments?</p> <p>23 A No, I wasn't.</p>

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<p style="text-align: right;">121</p> <p>1 Q All right. Any other comments of 2 a sexual nature that you heard Frank 3 Williams make that we haven't talked about? 4 A He mentioned something about why 5 he was in jail. 6 Q What did he say? 7 A He mentioned several times about 8 being in prison, and I asked him one time, I 9 said, Why did you spend so long in jail? 10 What did you do? I asked him, Was you a bad 11 boy? What did you do? He was like, Oh, it 12 was some sexual thing. It was all bullshit 13 charges. 14 Q Did he say anything else to you 15 about why he had been in jail? 16 A No, not why. But he mentioned 17 many times about being in jail. 18 Q Did you ever ask him on any other 19 occasions why he had been in jail? 20 A No. 21 Q Do you know why he had been in 22 jail? 23 A I knew it was something to do</p>	<p style="text-align: right;">123</p> <p>1 A I asked him did things get 2 straightened out between them, were things 3 all right between them. He was like, Hell, 4 no. 5 Q Was this when she was still there 6 or after she was gone? 7 A When she was still there. 8 Q Any other conversations you had 9 with Frank about Linda? 10 A No. 11 Q So you were aware that there was 12 a conflict between them? 13 A Oh, yeah. 14 Q Did you know that from talking to 15 Linda about it? 16 A That, talking to him about that, 17 and just the whole plant knew it. Anybody 18 that worked anywhere around their line knew 19 it. 20 Q Was it your impression that they 21 just didn't get along? 22 A They had serious personality 23 issues, and Frank had serious personality</p>
<p style="text-align: right;">122</p> <p>1 with a sexual thing. That was all I knew. 2 Q And other than what he told 3 you -- told you, did you have any knowledge 4 of that? 5 A No. 6 Q Did you ever discuss that with 7 Linda Thornton? 8 A We knew that his picture was on 9 computer along with a couple of other people 10 that worked out there. Well -- 11 Q Who else besides Frank? 12 A -- one other person's picture I 13 saw on there that was a roaster operator. A 14 young guy. What was his name? 15 Billy-something. 16 Q Does he still work there? 17 A No. 18 Q Other than -- strike that. Did 19 you ever -- I may have asked you this. Did 20 you ever talk to Frank Williams about Linda? 21 A Yeah. 22 Q What conversation did you have 23 with Frank about Linda?</p>	<p style="text-align: right;">124</p> <p>1 issues with several women. He had them with 2 me until I -- and I tried to put a stop to 3 him. 4 Q Do you get along okay with Frank? 5 A After me and him had a little 6 talk. 7 Q What -- what did you say to Frank 8 during your little talk? 9 A Well, you remember earlier I told 10 you I went over to line three for a little 11 bit, a few days, and then I went back over 12 to one, then I came back to three for a lot 13 longer time. 14 Q Right. 15 A That first time I went over there 16 he'd get upset about something going on or I 17 had done something wrong and he'd go to 18 screaming and cussing and yelling at you. 19 And when I went back over there for a long 20 period of time, right when I got on that 21 filler I told him flat out I was not going 22 to deal with that. I said, If you've got a 23 problem, we can talk about it, but this</p>

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<p style="text-align: right;">125</p> <p>1 screaming and yelling and getting in my 2 face, that ain't gone happen again. And so 3 he backed off. I mean he still got upset 4 and yelled and did a bunch of other things 5 on line but he didn't do like he had done 6 before. 7 Q Did you ever witness, apart from 8 anything that you might have already told me 9 today, did you ever witness any kind of 10 sexual harass -- sexually harassing conduct 11 towards Linda? 12 MS. CROOK: Object. 13 A By who? 14 Q By anyone. 15 A Oh, yeah. 16 Q What kind did you witness? 17 A Mechanics especially. 18 Q Okay. What kind did you witness? 19 A They wouldn't hardly let her work 20 on her machine. I mean, she'd try to work 21 on it. They'd come out -- come up up there. 22 I've heard them personally say, Get the hell 23 out of the way. You don't know what you're</p>	<p style="text-align: right;">127</p> <p>1 A Yeah. 2 Q -- obviously, and you have done 3 that? David's last name was what? 4 A Wilkerson, I believe. 5 Q And what time frame was all this? 6 A About the whole time. 7 Q Wesley McGinnis; is that right? 8 A Yes. 9 Q And Adam Hall? 10 A Yeah. 11 Q Now, you indicated earlier that 12 you had talked to several people about -- at 13 Flavor House about this lawsuit. Who 14 besides Linda have you talked to about this 15 case or about the fact that there is a case? 16 A Some people told me they knew it 17 was going on. I was like, Yeah. Would be 18 John. I can't remember John's name -- last 19 name. I don't remember John's last name. 20 Q Do you remember what position he 21 worked in? 22 A Supervisor. 23 Q Is he still there?</p>
<p style="text-align: right;">126</p> <p>1 doing. This a man's job. I've heard that 2 from three different mechanics. 3 Q Okay. Which three? 4 A Davis, Wesley, and Adam. 5 Q Okay. Anything else? 6 A No. They would just never let 7 her work on the machine. They would try to 8 shove her out of the way every time she 9 tried to. 10 Q Okay. Anything else? 11 A That was the main thing it dealt 12 with was her trying to operate her machine 13 and work on her machine and nobody letting 14 her. Screaming and yelling and all that. 15 Q Okay. I got that. 16 A Yeah. 17 Q I'm just trying to find out if 18 there's something else that I'm missing. I 19 don't want to -- 20 A That's the main thing that I 21 personally witnessed, that I know of. 22 Q Okay. Yeah. But I'm just asking 23 you about what you personally witnessed --</p>	<p style="text-align: right;">128</p> <p>1 A Yeah. Mike Walters. That's 2 about it. I hadn't talked to a whole lot of 3 people since I've been gone. 4 Q And what conversations have you 5 had with John about Linda's lawsuit? 6 A Just we both knew it was going 7 on. That was it. 8 Q What about Mike Walters, what 9 conversation have you had with him? 10 A That's it. 11 Q Are you currently employed? 12 A Yes. 13 Q Where are you working now? 14 A I work with Metal Recoaters of 15 America. 16 Q Metal Recoaters of America? 17 A Yes. 18 Q And what do you do for them? 19 A I paint metal roofs. 20 Q And you're working in Florida 21 right now; is that correct? 22 A Right now. Yeah, that's correct. 23 Q So you move from job site to job</p>

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<p style="text-align: right;">129</p> <p>1 site?</p> <p>2 A Yeah.</p> <p>3 Q Have you been working there since</p> <p>4 you left Flavor House?</p> <p>5 A No.</p> <p>6 Q Where else have you worked?</p> <p>7 A I worked with Southeastern</p> <p>8 Landscape for a little while. And other</p> <p>9 than that, I've done private painting jobs</p> <p>10 here and there.</p> <p>11 Q Is Southeastern Landscape here in</p> <p>12 Dothan?</p> <p>13 A No. They're at Enterprise.</p> <p>14 Q Enterprise. Do you live in</p> <p>15 Enterprise?</p> <p>16 A No, I live in Midland City.</p> <p>17 MS. SWAIN: That's all I have.</p> <p>18 MS. CROOK: I've just got one</p> <p>19 little thing.</p> <p>20 EXAMINATION</p> <p>21 BY MS. CROOK:</p> <p>22 Q Were you aware at any time that</p> <p>23 Linda -- while she was employed at Flavor --</p>	<p style="text-align: right;">131</p> <p>1 How did you know she was carrying a</p> <p>2 screwdriver around with her?</p> <p>3 A She told me. I saw it.</p> <p>4 MS. CROOK: That's all.</p> <p>5 MS. SWAIN: Okay.</p> <p>6 THE VIDEOGRAPHER: Okay. We're</p> <p>7 off at 3:50:46.</p> <p>8 DEPOSITION CONCLUDED</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">130</p> <p>1 THE VIDEOGRAPHER: Your, mic is</p> <p>2 not on.</p> <p>3 MS. CROOK: Sorry.</p> <p>4 Q Were you aware at any time while</p> <p>5 Linda was working at Flavor House that she</p> <p>6 was carrying a screw driver around with her?</p> <p>7 A Yes.</p> <p>8 Q Do you know why?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A She was scared of him.</p> <p>11 Q Do you know why she was scared?</p> <p>12 MS. CROOK: Objection.</p> <p>13 A He was so mad at her for causing</p> <p>14 all the trouble. I'm not real sure if he</p> <p>15 made that threatening thing before she left</p> <p>16 or after she left.</p> <p>17 Q What threatening thing are you</p> <p>18 talking about? The comment?</p> <p>19 A About he was gone fuck her up.</p> <p>20 And I know he was calling her a bitch</p> <p>21 several times before she left and after she</p> <p>22 left, especially.</p> <p>23 Q How did you know -- I'm sorry.</p>	<p style="text-align: right;">132</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA:</p> <p>4 COUNTY OF BUTLER:</p> <p>5</p> <p>6 I hereby certify that the above and</p> <p>7 foregoing deposition was taken down by me in</p> <p>8 stenotype and the questions and answers</p> <p>9 thereto were transcribed by means of</p> <p>10 computer-aided transcription, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the testimony given by said</p> <p>13 witness upon said hearing.</p> <p>14 I further certify that I am neither of</p> <p>15 counsel, nor of kin to the parties to the</p> <p>16 action, nor am I in anywise interested in</p> <p>17 the result of said cause.</p> <p>18</p> <p>19</p> <p>20 RENNY MCNAUGHTON</p> <p>21 Certified Court Reporter</p> <p>22 License Number: ACCR #:411</p> <p>23</p>

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## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris Jordan Date: 4-12-06

Present: \_\_\_\_\_

Who was involved: Kim Perkins

Witness (s): \_\_\_\_\_

Date of incident: 4-12-06Where did it take place: line 1 label machineWhen did it take place (time and day): 10:58

What happened: I went to break and asked Adam to watch out for the label machine. I also told Barbara on the case packer that I was going to break and if there were bad labels, just to throw the door open and holler at someone, at the end of break Kim Perkins paiged overhead that she needed a label operator on line. When I returned from break, Adam Hall was changing out the label I asked Adam "I thought you had my back?" Adam said I did but she paiged you before asking me or telling me why she had stopped. As I was changing out the labels, Kim came up to me and raised her voice saying "do you have a problem with me?" I stated "no I do not, I haven't said two words to you all day." She said "that's the problem - I have noticed!" She then asked again "what's your problem?" I stated I do not have a problem - you stay pissed off at everyone on the line and I want no part of it."

The reason I have chosen not to converse with Kim Perkins is because of her attitude towards other co-workers including myself. also this morning I heard her holler to Linda Barker on the copper about a mechanic on her (Kims) words she stated "Don't worry he can't help you, he's not worth a fuck. This immediately told me what mood/attitude Kim was in →

Did this result in down time? NO If yes how much? over.Did this result in product being scrapped? If yes how much? NO

Attach an additional sheet if needed for witness statements following the same format.

Also one of the D.C. that was in the lab this am-  
 en Kim Perkins came in stated - that Kim came in  
 (lab and stated outloud that "Those mother-fucking people  
 getting on my nerves. (Debra Stuart o.e.) —

This is the attitude that Kim carries. Not every-  
 once in awhile, but everyday, — when people off my time  
 one3) had to come to line 1 / Same problems occurred,

Other reason for not conversating with  
 Kim Perkins other than her attitude, is  
 because of situations as this one,

Always starting something and then  
 running to tell a lie. Always trying to  
 get someone in trouble other than  
 herself. She's the problem. She's the  
 main reason I left line 1.  
 —

CONFIDENTIAL

FH002178



2

## DOCUMENTATION FORM

Employee Name: Vin BarberInvestigating Supervisor: Chris JordanDate: 4-12-06

Present: \_\_\_\_\_

Who was involved: me, Linda Thornton, Frank WilliamsWitness (s): 2Date of incident: 4-12-06Where did it take place: filler, DC bldWhen did it take place (time and day): 4-12-06, 7:00-11:11 AMWhat happened: I was having trouble w/weights and descramblers

I was trying to catch low weights, work on fillers,  
and straighten out jam the descramblers was knocking  
over & putting out upside down all by myself.  
mech. had gone to break. We went down again  
for descramblers. So I went to see how many  
were was left on order, luckily, we had 5  
more trays to go. I changed ones but needed  
a label op. she was gone. She didn't say

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

ything about going to break, label room, nothing. I told  
 about the situation and I was mad. Frank was in the  
 I asked me if there was labels in the mach. I said yes,  
 at I needed the op. He said "So what's your point" and  
 that made me even madder. I paged for a label op  
 in line 1. When she got there I asked her if I had  
 done something I didn't know about to make her mad,  
 she replied at me "I didn't say anything to you" twice  
 all of this. After I worked as hard as I could to  
 keep the line going with no help

CONFIDENTIAL

FH002175

3

## DOCUMENTATION FORM

Employee Name: Harrell ~~AA~~ McCulloughInvestigating Supervisor: Chris Jordan / Eugene Anderson Date: 4-12-06

Present: \_\_\_\_\_

Who was involved: \_\_\_\_\_

Witness (s): Harrell ~~AA~~ McCulloughDate of incident: 4-12-06Where did it take place: LAB QCWhen did it take place (time and day): 4-12-06

What happened: FRANK WILLIAMS ASK KIM (FILLER  
OPERATOR) ON LINE ONE WHY SHE STOP  
RUNNING THE LINE AND SHE GOT SMART  
WITH HIM. "SAYING - WHAT IS IT TO YOU"  
AND FRANK WALK OFF.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

4

## DOCUMENTATION FORM

Employee Name: Frank WilliamsInvestigating Supervisor: Chris Jordan Date: 4-17-06

Present: \_\_\_\_\_

Who was involved: Kim PerkinsWitness (s): Harold McColloughDate of incident: 4-12-06Where did it take place: QC LabWhen did it take place (time and day): mid dayWhat happened: I walked in the QC Lab

to get to Line 3 Kim was calling for a Lable  
OP. for line one. I asked her what was wrong  
with the Lable machine Because the line was  
not running she said nothing I asked her  
was the Lables Bad She said no I told her  
to go and turn it Back on and she went off  
on me. Told me that I don't know what she

--- I am talking about and to stay out of  
her m--- f--- business. I asked her not to

Did this result in down time? yes If yes how much? don't knowDid this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.

'95 she her voice at me and stop cussing me she  
got madder and told me that that's how a f-----  
IX <sup>shin</sup> got to be

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FH002184



5

## DOCUMENTATION FORM

Employee Name: Debra Stewart

Investigating Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Who was involved: \_\_\_\_\_

Witness (s): \_\_\_\_\_

Date of incident: 04-12-06Where did it take place: Lab

When did it take place (time and day): \_\_\_\_\_

What happened: Kim for Kim used inappropriate  
language in Lab about employees in  
the line, such as calling them dumb asses  
stupid (M.F.) etc. Asked her what she having  
a bad day. I informed her & Linda  
to take this matter up with Chris.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

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FH002185

6

Adam Hall

Was zeroing out scales on L-1 filler when I told Harrell to send product. Kim asked "who sent product?" When I told her I did, she started yelling and cussing at me - "I didn't zero out the fucking scales!" "You don't tell them to send product!" I told her, "You only have to zero them once!" I also told her she can't argue with someone that is right. She told me to get out of her fucking face!

I never cussed at her during this whole instance, I did get loud but never cussed during the whole thing.

Adam Hall Aug 10 06

## DOCUMENTATION FORM

Employee Name: Chris JordanInvestigating Supervisor: \_\_\_\_\_ Date: 8-11-06

Present: \_\_\_\_\_

Who was involved: Kim Perkins, Adam HallWitness (s): Possibly line 1 parkingDate of incident: 8-10-06Where did it take place: Line 1 FillerWhen did it take place (time and day): Not sure.

What happened: I was outside line 1 when I noticed Adam Hall and Kim Perkins arguing. This is not unusual. There have been days they will argue 1 minute and laughing the next. After they finished arguing she came over near me while placing the new print in the videojet and said "if I had a gun I would go home and shoot him." This may not be word for word but gun and shoot him were said. (over)

Did this result in down time? No If yes how much? \_\_\_\_\_Did this result in product being scrapped? If yes how much? No

Attach an additional sheet if needed for witness statements following the same format.

I do not feel Kim was serious about her statement  
and she was aggravated at the time.

# Nuteracker®

## COMPLAINT FORM

NAME: Kim Perkins

STEP 1: I am not satisfied with the <sup>actions</sup> ~~decision~~ given to me by my supervisor on several days, and I wish to formally complain through the Problem Resolution Procedure. The problem occurred on line 1 and is as follows: (use additional paper if necessary)

Please see attached statement

I am seeking the following solution:

An end to the harassment with no retaliation

Kim Perkins  
Team Member Signature

9-16-06  
Date

STEP 2: I have read the attached supervisor's response in Step 1 and:

☐ Do NOT wish to appeal this decision

☐ Wish to appeal this decision to Step 2, Human Resources Manager

\_\_\_\_\_  
Team Member Signature

\_\_\_\_\_  
Date

STEP 3: I have read the attached written response in Step 2 and:

☐ Do NOT wish to appeal this decision

☐ Wish to appeal to the Director of Operations

\_\_\_\_\_  
Team Member Signature

\_\_\_\_\_  
Date

The decision reached in Step 3 will be final and binding.



I have been experiencing several problems with Chris Jordan and sincerely believe I am being harassed. For example - around 12 months ago, Chris told me (in front of Melvinitchins) that if I don't have "waste" written on the boxes around the filler, he was going to write me up. I'm not the person that puts the boxes around the filler. I don't even know how the boxes are put on the back and side. The person that runs the desramblers pours caps on the capper and then puts the boxes around the filler. I don't even touch them and Chris knows this. Since then, I have made sure a desrambler op. has "waste" written on boxes. Day (9-to-6), another filler op, Stephany L., is our desrambler op. Chris has never told her that boxes had to have "waste" written on them and he's never threatened to write her up if it's not done.

Another example - about 2-3 weeks ago, Chris told my label op., Candie B., that I had to get up with all rework before I could do my paperwork. I told Chris I didn't understand because I come in earlier than most of the line,

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FH001819

and stay later than most the line doing paperwork. In my opinion, it would be better and cheaper if I leave the line, do paperwork, then come back to do re-work. That way I wouldn't be on the clock as long. But, he said no. That was the way it was going to be done. Today, I asked Stephany if he told her she had to finish the rework (I'm speaking of pallets being brought from rework area from all lines) before she did her paperwork. She told me no, he hasn't told her that and she always does paperwork first.

About a month ago, Chris saw M+M's on the line when I was sick and had to go sit in the breakroom. He wrote me and Cordie up for it. I went to speak to Mary Ann Boyers about that situation. I knew it was wrong to have another product on the line, but my main problem was that I knew, for a fact, he caught Vicki Cook at least two times with them in her tool bag. He never did anything to her. Nobody (Chris or Mary Ann) seemed concerned about the fact that he writes people up for things other people do and gets away with.

A couple of weeks ago, Chris took me to the front office saying Tommy wanted to talk to me. Tommy claimed several people had written reports on me. One of them was an argument between me and my neck, Adam. Adam told me Chris went to the office, told Tommy about the argument, and Donald made him write down what was said. Chris was present during the confrontation. Adam did something that I thought was way out of line and that started the argument. I looked over at Chris, standing by the label machine, and said something to the effect of "now you see what I have to put up with". He just looked at me and asked if I wanted to fill out a report, very nonchalantly.... And they take Adam to the office?? Tommy also mentioned another situation with our foater, Rosie. I had gotten a little upset that our nitro. was bad, but the QC and foater let it go on for a few hours without saying anything (we were running Great Value). Melvin told me ~~to~~ not to be so negative when I was asking why didn't

anyone say anything. After we started back running and Melvin came out of the lab, I told him I was so upset because our floater was lying. I don't know what other "reports" Tommy has. Chris never told me anyone had a problem. I was under the impression both ~~part~~ parties wrote a statement about the problem. I also talked to several other supervisors, they agree that what Chris and Tommy did to me was wrong. I wasn't even given the chance to respond to anything when I was talking to Tommy. The only thing I was able to do was write a comment on the write-up they gave me.

One other thing about the argument with my mechanic. Chris said I told ~~to~~ him I needed to go home, get the gun, and shoot Adam. I don't even own a gun, so why would I say that? He said he knew I wasn't serious, but he thought it was serious enough to go to Tommy. If it was that serious, why didn't he say anything about it to me? Why didn't I get to write a statement then? Why

didn't he get Jimmy that day and bring me  
in the office that day, not 12 weeks later?  
I don't even remember saying that, especially  
after this much time.

There's been smaller things and comments  
he's made, but this is the most recent and,  
I feel, the worst. I have the biggest  
problem with the last situation

Thank you,  
Kim Perkins  
9-6-06

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FH001823



FROM; Ricky Smothers  
TO; Kim Perkins  
SUBJECT; Complaints  
DATE; 9/7/06

I have reviewed your listed complaints in which you stated you are seeking to have the harassment stopped. As we discussed, I think you have confused the company's definition of harassment with your perception of mistreatment or being singled out. Company definition of Harassment; Conduct related to an individual's race, religion, color, age, sex, sexual orientation, national origin, ancestry, veteran status, or status as an individual with a disability. However we take any type of mistreatment very seriously and that will not be tolerated either. After our discussion I have listed the issues left pending and my findings.

1) You were directed to write waste on the boxes around the filler, Stephanie who's also a filler operator on line 3 is not required to do this. Failure to carry this out would result in a write up per Chris Jordan.

My findings; Line 3 (Stephanie's line) reworks what falls in the box so the product is added in not disposed of like on line 1 and 2. Line 4, 5, and 12 also rework what falls in the boxes, this is why Stephanie is not directed to write waste on the boxes. (There is no mention of this in your file, so nothing formal was issued).

2) You were directed to work with the team members performing rework before completing your paper work. Stephanie is allowed to finish her paperwork first.

My findings; Some of the team members on your line were complaining that you would drag out the paper work and not assist them in performing rework causing them to bring this issue to the supervisor. (There is no mention of this in your file, so nothing formal was issued.)

However all filler operators from now on, will be required to do rework first and paper work last this will be all lines all shifts.

3) Being written up for an argument with Rosie and Adam. Not being allowed to write a statement.

My findings; You admitted that you and others in the plant use profanity, even though it may be a common occurrence, it is still against the rules because some people are offended by it. I would speculate that due to this being a valid handbook violation and there being several coaching sessions prior to this formal disciplinary documentation cautioning you about inappropriate language and asking you to improve your communication skills was probably the reason Tommy didn't ask for a statement.

However after our discussion, you did write a statement which I have read and will put in your file. The charges are still justified because of the profanity and the manner in which it was used, but there are circumstances that I will follow up on regarding other team

members behavior that made you angry. When these things happen instead of trying to handle it yourself and getting upset, you should call your supervisor or Melvin to handle the situation.

You were also concerned about being subjected to retaliation for bringing forth a complaint. Retaliation of any kind will not be tolerated, in saying this I must also add everyone in the plant will be required to abide by all plant rules and policies.

This is a formal complaint and if you are not satisfied with my written response and findings you are welcome, to take the next step. Normally this next step would be with the plant H.R. manager, however since you voiced concern with Tommy, you may talk with Alice Clark, the divisional H.R. director, either on a conference call or in person. The 3<sup>rd</sup> and final step would be to talk to Mary Ann. She has a copy of your complaints and would be willing to speak to you after you've spoken to the divisional H.R.. If you want to speak to Alice let me know and I will set it up for you.

The situation with Rosie was about nitro on Great Value. This is not the first time she's been a floater when we ran Great Value. Every other time, Candice B. and I reminded her the test level can't go above 3. We didn't remind her that time. Around 12:00, we found out the readings were 4+5. We stopped the line, went into the lab, and looked at the readings. We saw 3.5, 4.0 all the way back to 9:00. QC was there during most of the tests and signed off on them. I got upset and started asking why wasn't we told earlier. Rosie said she didn't know it couldn't go above 3. Melvin was there and told me to stop being so negative. I don't feel like I was being negative. We had a lot put on hold. I went back to the line and started up. ~~But~~ Melvin came out of the lab and I told him I was upset because she was lying. She had been told several times before. He said he knew and that this wasn't the first time she had ran Great Value. I don't remember exactly what was said, this statement was taken long after the incident.

Kim Perkins- 9-8-06

DEFENDANT'S  
EXHIBIT

10

DOCUMENTATION FORM

Employee Name: Rosie Lovett

Investigating Supervisor: Chris Jordan Date: 8-9-06

Present: \_\_\_\_\_

Who was involved: Kim Perkins

Witness (s): Vickie (QC) Melwine, Adam

Date of incident: Ongoing issue

Where did it take place: QC Lab last incident

When did it take place (time and day): 8-8-06

\* What happened: Starting ~~with~~ with 8-8-06  
line 1 had a problem with high nitrogen  
I did not know product could not go  
over a 3.0 I thought all product  
was not supposed to go over a 4.0  
so (QC) Vickie was in when I was  
doing a check it was a 5. something  
and I let her know so she went  
to line to pull some more jars

Did this result in down time? yes If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

DEFENDANT'S  
EXHIBIT

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FH001825

IND. CAME BACK TO LAB AND SOMEONE TOLD  
WAS HIM STILL RUNNING THE LINE SHE SAID  
FS SO SHORTLY HIM AND ADAM. CAME INTO  
HE LAB TO CHECK SOME MORE JARS THEY  
WERE ALSO TO HIGH. ADAM WAS LOOKING AT MY  
NITROGEN FORM AND STATED THAT SOME OF  
MY CHECKS FROM EARLIER WERE TO HIGH. SO  
HIM STARTED FUSING OR SAYING ~~THAT~~ ALL I  
WANT TO KNOW IS WHY WE WERE NOT TOLD  
EARLIER AND I TOLD HER BECAUSE I DID  
NOT KNOW, TO MY KNOWLEDGE EVERYTHING  
WOULD NOT GO OVER A 4.0. MELVIN THEN  
TOLD HER TO STOP BEING SO NEGATIVE.  
I SAID THAT I DIDN'T KNOW. I  
THEN STARTED ANOTHER NITROGEN CHECK  
AND IT WAS MAYBE A 3.09 SO I  
ROUNDED IT OFF TO A 3.1 AND SHE THEN  
STATED WHY ARE YOU ROUNDING IT OFF  
I REPLIED THAT'S HOW I WAS TAUGHT  
TO DO THE CHECKS. SHE THEN STATED  
WELL I'VE BEEN HERE HOWEVER MANY  
YEARS AND I'VE NEVER HEARD OF THAT.  
I THEN ASKED QC VICKIE, MRS. JEAN  
AND RANDY AND THEY ALL SAID THAT  
I WAS DOING IT CORRECTLY. THAT'S  
ABOUT ALL THAT HAPPENED YESTERDAY  
BUT HIM HAS A PROBLEM WITH

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FH001826



now to talk to people. It's not just  
 me I will not get into that but it's  
 a way to talk to everyone and she  
 really don't know how. When I first  
 started on line 1 with her I never  
 did anything right at least that's how  
 she makes people feel. A lot of people  
 ask me how do I put up with  
 her this long because of her attitude  
 and up til now I just don't or  
 didn't pay her any attention. Another  
 thing certain people were mad with  
 her yesterday because she went back  
 to the line and lied on me saying  
 I was ~~for~~ letting the line run and  
 I was getting 5. something from earlier  
 and that was not true I do know  
 that nothing can go over a 4.0 and up  
 until now no one has had a problem  
 with my work because I honestly did  
 not know. I apologized to my super-  
 visor, Melvin and my line for  
 that mistake but I honestly did  
 not know. I try to keep confusion  
 down with everyone but when you  
 have a person like him that makes  
 you feel like your suppose to know

Everything EVEN WHEN NOT ~~TOUGH~~ IT IS  
 VERY difficult. I REALLY don't feel like  
 we should work together because I  
 don't CURSE and I don't like to  
 argue ~~to~~ AND I'm trying my best not  
 to argue with ANYONE out here I just  
 WANT to come do my job and go home  
 WITHOUT having to DEAL with all the  
 CURSING AND ARGUING. If I'm doing  
 something WRONG speak to me in a way  
 you would want someone to speak to  
 you. AS A team if I see something  
 that you do wrong I'm going to tell  
 you in a NICE way and try to straighten  
 you out like she filled out the wrong paper  
 work yesterday and said I forgot I  
 didn't hesitate to re copy her paperwork  
 for her but she don't realize she make  
 mistakes like everyone else and again  
 I AM sorry for my mistake yesterday  
 but I honestly didn't know and from  
 here on out I will not keep anything  
~~in~~ inside because a lot of people have  
 problems with him and they don't  
 speak on it but I think someone  
 needs to. Sign Rosie Lovett

The argument with Adam Hall was about him telling the master op. to send the product. We had ran out of product and I wasn't sure if that was all of it. I did the first phase of getting out the sales, but didn't do the next one. Adam told Harold to send the prod. For some reason (I can't remember now) there was some confusion on the line and I wasn't quite ready for the next order. I told Adam that wasn't his job, he said it was, and we started arguing. I said to Chris, "you see what I have to put up with?" He asked me if I wanted to make a report, I told him no. I was upset because I felt like Adam was overstepping his bounds. I know when the filler is ready, I'm the only one that sets it ready. I don't remember exactly what was said, this statement was taken weeks after the fact.

Kim Perkins  
9-8-06

DEFENDANT'S  
EXHIBIT

12

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FH001832

DEFENDANT'S  
EXHIBIT

13

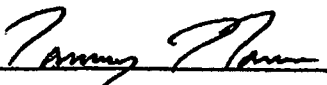
## MEMORANDUM


DATE: August 15, 2006  
TO: Kim Perkins  
FR: Chris Jordan  
RE: 1st Step – Written Counseling

INCIDENT  
OCCURRED ON  
8/10/06

On 8/10/06, you were involved in an argument with another employee. Your use of profanity has resulted in this counseling. You must improve in your communication with employees and respect of other employees. Also, you must not make threatening statements toward other employees, regardless of the nature or seriousness.

Failure to follow the company policy has resulted in you receiving this Written Counseling. Any future violations will result in additional disciplinary action up to and including termination.

  
Tommy Nance  
Human Resources Manager

  
Kim Perkins  
(Signature acknowledges  
Receipt of this document  
only.)

*I was never asked to give my side  
of any incident in this report. I feel  
it's extremely one sided and is being  
used to find excuses to get me in trouble*

  
CONFIDENTIAL

FH001770

**FREEDOM COURT REPORTING**

1	3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 FRANKLIN WILLIAMS</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 June 10, 2008</p> <p>23 Dothan, Alabama</p>	<p>1 the time of trial or at the time said</p> <p>2 deposition is offered in evidence, or prior</p> <p>3 thereto.</p> <p>4 In accordance with Rule 5(d) of the</p> <p>5 Alabama Rules of Civil Procedure, as</p> <p>6 amended, effective May 15, 1988, I, Renny D.</p> <p>7 McNaughton, am hereby delivering to Ms.</p> <p>8 Robertson the original transcript of the</p> <p>9 oral testimony taken the 10th day of June,</p> <p>10 2008, along with exhibits.</p> <p>11 Please be advised that this is the</p> <p>12 same and not retained by the Court Reporter,</p> <p>13 nor filed with the Court.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
2	4
<p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Franklin</p> <p>5 Williams, may be taken before Renny D.</p> <p>6 McNaughton, Court Reporter and Notary</p> <p>7 Public, State at Large, at the offices of</p> <p>8 Bobbie Crook, Dothan, Alabama, on the 10th</p> <p>9 day of June, 2008, commencing at</p> <p>10 approximately 2:45 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the signature to and the reading of the</p> <p>13 deposition by the witness is waived, the</p> <p>14 deposition to have the same force and effect</p> <p>15 as if full compliance had been had with all</p> <p>16 laws and rules of Court relating to the</p> <p>17 taking of depositions.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED</p> <p>19 that it shall not be necessary for any</p> <p>20 objections to be made by counsel to any</p> <p>21 questions, except as to form or leading</p> <p>22 question and that counsel for the parties</p> <p>23 may make objections and assign grounds at</p>	<p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Robertson 9</p> <p>4</p> <p>5 E X H I B I T S</p> <p>6 No. 15 61</p> <p>7 No. 16 117</p> <p>8 No. 17 118</p> <p>9 No. 18 120</p> <p>10 No. 19 173</p> <p>11 No. 20 198</p> <p>12 No. 21 200</p> <p>13 No. 22 205</p> <p>14 No. 23 206</p> <p>15 No. 24 211</p> <p>16 No. 25 212</p> <p>17 No. 26 212</p> <p>18 No. 27 213</p> <p>19 No. 28 213</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



**FREEDOM COURT REPORTING**

<p style="text-align: right;">5</p> <p>1 APPEARANCES</p> <p>2 FOR THE DEFENDANT (S):</p> <p>3 Jennifer F. Swain</p> <p>4 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>5 Berkowitz, PC</p> <p>6 Wachovia Tower, 420 North Twentieth Street,</p> <p>7 Suite 1600</p> <p>8 Birmingham, Alabama 35203-5202</p> <p>9 J. Scott Clark</p> <p>10 Senior Counsel</p> <p>11 Ralcorp Holdings, Inc.</p> <p>12 P.O. Box 618</p> <p>13 St. Louis, Missouri 63188</p> <p>14 FOR THE PLAINTIFF (S):</p> <p>15 Ann C. Robertson</p> <p>16 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>17 The Kress Building</p> <p>18 301 Nineteenth Street North</p> <p>19 Birmingham, Alabama 35203</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">7</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 2:45</p> <p>10 p.m. on the 10th day of June, 2008, Franklin</p> <p>11 Williams, witness in the above cause, for</p> <p>12 oral examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This is the</p> <p>16 beginning of videotape number 1 in the</p> <p>17 deposition of Frank Williams in the</p> <p>18 matter of Linda Thornton versus Flavor</p> <p>19 House Products and Franklin D. Williams,</p> <p>20 Jr., case 107-CV-712-WKW. We're on the</p> <p>21 record here at 2:44:10 p.m. Today's</p> <p>22 date is June the 10th, 2008. We're at</p> <p>23 the offices of Bobbie Crook, PC, in</p>
<p style="text-align: right;">6</p> <p>1 ON BEHALF OF FRANKLIN WILLIAMS :</p> <p>2 Richard E. Crum</p> <p>3 Shealy, Crum &amp; Pike, P.C.</p> <p>4 2346 West Main Street</p> <p>5 Dothan, Alabama 36301</p> <p>6</p> <p>7 Also Present: Linda Thornton</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">8</p> <p>1 Dothan, Alabama. My name is Joey</p> <p>2 McClain, representing Freedom Court</p> <p>3 Reporting. Would counsel identify</p> <p>4 yourself and state whom you represent.</p> <p>5 MS. ROBERTSON: I'm Ann Robertson</p> <p>6 and I represent the plaintiff. Bobbie</p> <p>7 Crook, he represents the plaintiff.</p> <p>8 MS. SWAIN: Jennifer Swain. I</p> <p>9 represent the defendant Flavor House</p> <p>10 Products, Inc.</p> <p>11 MR. CRUM: Richard Crum. I</p> <p>12 represent Frank Williams.</p> <p>13 THE COURT REPORTER: Usual</p> <p>14 stipulations?</p> <p>15 MR. CRUM: That will be fine.</p> <p>16 MS. ROBERTSON: And I am going to</p> <p>17 ask him about some of his family, but</p> <p>18 will you -- were you sitting in on any</p> <p>19 of those things where we agreed that --</p> <p>20 that we wouldn't go into extensive</p> <p>21 familial backgrounds unless we wanted</p> <p>22 to?</p> <p>23 MR. CRUM: That's fine. That's</p>

**FREEDOM COURT REPORTING**

<p>9</p> <p>1 no problem.</p> <p>2 MS. ROBERTSON: And providing the</p> <p>3 names before the trial. Okay.</p> <p>4 FRANKLIN WILLIAMS</p> <p>5 having been duly sworn, was examined and</p> <p>6 testified as follows:</p> <p>7 EXAMINATION</p> <p>8 BY MS. ROBERTSON:</p> <p>9 Q Will you state your full name for</p> <p>10 the record, please, sir.</p> <p>11 A Franklin Delanor Williams, Jr.</p> <p>12 Q And how old a man are you,</p> <p>13 Mr. Williams?</p> <p>14 A I am 37.</p> <p>15 Q What's your birthday?</p> <p>16 A 5/25/71.</p> <p>17 Q And what's your Social?</p> <p>18 A 417-02-3546.</p> <p>19 Q Where do you live?</p> <p>20 A 1376 North Broad Street, Cowarts,</p> <p>21 Alabama 36321.</p> <p>22 Q And what county is Cowarts in?</p> <p>23 A Houston.</p>	<p>11</p> <p>1 A Carlen. Carlen, C-A-R-L-E-N.</p> <p>2 Q And how old was she when you</p> <p>3 married her?</p> <p>4 A 18.</p> <p>5 Q Now, do you have any children?</p> <p>6 A Yes, ma'am.</p> <p>7 Q All right. Tell me about your</p> <p>8 children.</p> <p>9 A Who they are and how old they</p> <p>10 are?</p> <p>11 Q Yeah.</p> <p>12 A I have a daughter that is, I</p> <p>13 think -- well, I think I have a daughter is</p> <p>14 18. She lives in Eufaula by Leigh Ann</p> <p>15 Metcalf. Her name is Sierra.</p> <p>16 Q What -- wait. Leigh Ann?</p> <p>17 A Metcalf.</p> <p>18 Q What do you mean you think you</p> <p>19 have a daughter?</p> <p>20 A Well, we never did DNA tests.</p> <p>21 Q Did you pay --</p> <p>22 A It was -- it was the same time --</p> <p>23 no, I've never paid child support. It was</p>
<p>10</p> <p>1 Q How long have you lived there?</p> <p>2 A I just moved there this weekend.</p> <p>3 Q Where did you live before that?</p> <p>4 A 1408 North Broad Street, Cowarts,</p> <p>5 Alabama 36321.</p> <p>6 Q How long did you live there?</p> <p>7 A Five years.</p> <p>8 Q Are you married?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Who are you married to?</p> <p>11 A I am married to Candace Ballew.</p> <p>12 Q Spell her last name.</p> <p>13 A B-A-L-L-E-W.</p> <p>14 Q And how old a woman is she?</p> <p>15 A She's 24.</p> <p>16 Q Have you ever been married before</p> <p>17 Ms. Ballew?</p> <p>18 A Yes. Yes, ma'am.</p> <p>19 Q And to whom?</p> <p>20 A Ronnie Williams.</p> <p>21 Q What was Ronnie's --</p> <p>22 A Maiden name?</p> <p>23 Q -- maiden name?</p>	<p>12</p> <p>1 just -- she --</p> <p>2 Q Excuse me?</p> <p>3 A Nothing.</p> <p>4 Q Why have you never paid child</p> <p>5 support?</p> <p>6 A Never was asked of me.</p> <p>7 Q When -- when was this child born?</p> <p>8 A In 1992.</p> <p>9 Q And how old was her mother when</p> <p>10 she had this child?</p> <p>11 A I can't remember.</p> <p>12 Q About how old was she?</p> <p>13 A 26, 25, somewhere around in</p> <p>14 there.</p> <p>15 Q She was 26 or 25 when she had</p> <p>16 this child?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And tell me her name again.</p> <p>19 A Leigh Ann Metcalf.</p> <p>20 Q Have you ever told anybody that</p> <p>21 you had to pay child support for -- for this</p> <p>22 child?</p> <p>23 A No, ma'am.</p>

3 (Pages 9 to 12)

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<p style="text-align: right;">13</p> <p>1 Q Do you -- did you see this child</p> <p>2 during her childhood?</p> <p>3 A Ever so often whenever I was --</p> <p>4 when I was up there.</p> <p>5 Q And where did -- where did they</p> <p>6 live?</p> <p>7 A Eufaula, Alabama.</p> <p>8 Q And how would these visits occur?</p> <p>9 A Just whenever I seen her mother</p> <p>10 on occasions.</p> <p>11 Q Was her mother married when she</p> <p>12 had this baby?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Is that why you didn't pay child</p> <p>15 support?</p> <p>16 A I have no idea.</p> <p>17 Q Does -- did her husband think</p> <p>18 that he was the father?</p> <p>19 A I don't know.</p> <p>20 Q Well, did you not feel some</p> <p>21 obligation to pay child support for this</p> <p>22 child?</p> <p>23 A I was incarcerated when she was</p>	<p style="text-align: right;">15</p> <p>1 Q How was -- old was the woman that</p> <p>2 this child --</p> <p>3 A 17.</p> <p>4 Q Is she the -- the woman who's</p> <p>5 mother is -- had a warrant issued for your</p> <p>6 arrest for contributing to the delinquency</p> <p>7 of a minor?</p> <p>8 A No, ma'am.</p> <p>9 Q Was that another Ronnie?</p> <p>10 A No. That was my Ronnie -- that</p> <p>11 was my wife.</p> <p>12 Q Yeah. But I mean she -- she's</p> <p>13 not the Ronnie that her mother had a warrant</p> <p>14 issued for your arrest?</p> <p>15 A I don't understand the question.</p> <p>16 My wife is -- my ex-wife is the one that</p> <p>17 had -- her mother had a issue for my arrest.</p> <p>18 Q Oh. I see. So the mother --</p> <p>19 A -- of my oldest son.</p> <p>20 Q -- is not --</p> <p>21 A No. It's nothing to do with none</p> <p>22 of --</p> <p>23 Q Okay. And -- and --</p>
<p style="text-align: right;">14</p> <p>1 born.</p> <p>2 Q Okay. She was born in '92?</p> <p>3 A I believe that's right.</p> <p>4 Q So when did this woman get</p> <p>5 impregnated?</p> <p>6 A Probably in '91.</p> <p>7 Q Now, your -- your other children</p> <p>8 besides the daughter?</p> <p>9 A Jonathan Williams.</p> <p>10 Q And how old is he?</p> <p>11 A He is 10.</p> <p>12 Q When was he born?</p> <p>13 A In 1997.</p> <p>14 Q When did you and -- and Ronnie</p> <p>15 get married?</p> <p>16 A In 1999.</p> <p>17 Q So two years after the child was</p> <p>18 born?</p> <p>19 A That wasn't -- it's by another</p> <p>20 lady. This ain't by my wife.</p> <p>21 Q Oh, I see. This -- this child is</p> <p>22 by someone else?</p> <p>23 A Yes, ma'am.</p>	<p style="text-align: right;">16</p> <p>1 MR. CRUM: Just let her ask --</p> <p>2 ask a question now. That's okay. It</p> <p>3 will just -- it will go better.</p> <p>4 Q That -- all right. So Jonathan's</p> <p>5 mother is who, again?</p> <p>6 A Elizabeth Ray Harp.</p> <p>7 Q Now, do you pay child -- did you</p> <p>8 pay child support for this child?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Were there DNA tests taken for</p> <p>11 this child?</p> <p>12 A No, ma'am.</p> <p>13 Q Why did you elect to pay?</p> <p>14 A Because I've been there since he</p> <p>15 was born and I get to see him. And I take</p> <p>16 care.</p> <p>17 Q So the reason you didn't pay for</p> <p>18 your daughter is because you didn't get to</p> <p>19 see her because you were in jail?</p> <p>20 A No. Her mother didn't want me to</p> <p>21 pay child support, as far as I know. She</p> <p>22 never asked. We never brought it up.</p> <p>23 Q All right. So Jonathan's mother</p>

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<p style="text-align: right;">17</p> <p>1 is the -- is the person who -- whose mother  2 had a warrant issued for the arrest?  3 A No, ma'am.  4 Q Well, who was -- who was that  5 woman?  6 A That was my ex-wife.  7 Q All right. And who was that?  8 A Ronnie Jean Carlen.  9 Q Did you have any children by her?  10 A Yes, ma'am.  11 Q And who was that?  12 A Taylor Williams, age 9, and  13 Zachary Williams, age 6 -- my bad, age 7.  14 Q So Taylor was born --  15 A In 1999.  16 Q 1999? Are you sure it was '99?  17 A Yes, ma'am, because Jonathan --  18 MR. CRUM: Let her finish her  19 question, though.  20 THE WITNESS: I'm sorry.  21 MR. CRUM: You're just trying to  22 guess what she's going to ask so --  23 THE WITNESS: Oh.</p>	<p style="text-align: right;">19</p> <p>1 A Until I got out of the county.  2 It was reinstated as soon as I got out of  3 the county.  4 Q And then you were placed back on  5 it until 2001?  6 A I think it was -- yes, ma'am,  7 2001.  8 Q Was your -- was Ronnie pregnant  9 with Taylor while you were serving your  10 county jail sentence?  11 A No, ma'am.  12 Q Was that afterwards that she got  13 pregnant?  14 A Yes, ma'am.  15 Q All right. Any other children?  16 A I got a stepson.  17 Q Now, did -- when did you get a  18 divorce from Ronnie?  19 A It was finalized -- I'm trying to  20 think. We got separated January of -- two  21 years ago, and we got -- the divorce was  22 completed, I'm thinking, in May, if I'm not  23 mistaken.</p>
<p style="text-align: right;">18</p> <p>1 BY MS. ROBERTSON:  2 Q Are you sure that -- that Ronnie  3 was born -- I mean -- excuse me, that Taylor  4 was born in 1999?  5 A Yes, ma'am.  6 Q All right. What happened to the  7 warrant that -- that Ronnie's mother had  8 issued against you?  9 MR. CRUM: Object to the form.  10 Q Were you arrested on that  11 warrant?  12 A I went to a county jail.  13 Q So I guess you were arrested?  14 A Yes, ma'am.  15 Q How long did you serve in county  16 jail for that?  17 A 45 days.  18 Q And that was on -- while you were  19 on probation; right?  20 A Yes, ma'am.  21 Q Was your probation revoked?  22 A Yes, ma'am.  23 Q How long was it revoked for?</p>	<p style="text-align: right;">20</p> <p>1 Q May of 2006?  2 A Yes. That's when it should have  3 finalized.  4 Q In what county did y'all get a  5 divorce?  6 A It should have been Henry County.  7 Q Does that mean it was Henry  8 County or you should -- you filed in the  9 wrong place?  10 A Well, she filed with her lawyer  11 at -- I can't think of the name -- name  12 of -- Jamie Love's office. I think that's  13 in Henry County.  14 MR. CRUM: The main thing is to  15 answer what you know. If you know the  16 county, tell her the count. If you  17 don't know the county, tell her you  18 don't know the county.  19 THE WITNESS: Okay.  20 Q So you're not sure where you --  21 what county you got a divorce in?  22 A No, ma'am.  23 Q You were separated in January of</p>

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<p style="text-align: right;">21</p> <p>1 2006?</p> <p>2 A Yes, ma'am.</p> <p>3 Q And the divorce was final</p> <p>4 sometime in May of 2006?</p> <p>5 A Yes, ma'am.</p> <p>6 Q What was the reason for that</p> <p>7 divorce?</p> <p>8 A Irreconcilable differences. We</p> <p>9 just went our own way.</p> <p>10 Q Was your wife seeing someone</p> <p>11 else?</p> <p>12 A I -- I can't -- I couldn't prove</p> <p>13 it.</p> <p>14 Q Did you think your wife was</p> <p>15 seeing your nephew?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And who is your nephew?</p> <p>18 A Shane Wilson.</p> <p>19 Q And how is Mr. Wilson related to</p> <p>20 you?</p> <p>21 A He is my stepbrother's stepson.</p> <p>22 Q And why did you think he was --</p> <p>23 that your wife was seeing Mr. Wilson?</p>	<p style="text-align: right;">23</p> <p>1 A Yes.</p> <p>2 Q And how long have you known</p> <p>3 Mr. Cassady?</p> <p>4 A When I started working at Nut</p> <p>5 Cracker, which was September 2000.</p> <p>6 Q That's when you first met</p> <p>7 Mr. Cassady?</p> <p>8 A That's when I actually first met</p> <p>9 him. I don't remember meeting him before</p> <p>10 then.</p> <p>11 Q Did Mr. Cassady know about your</p> <p>12 convictions?</p> <p>13 A Yes, sir -- yes, ma'am.</p> <p>14 Q Did he know the extent of your</p> <p>15 convictions?</p> <p>16 A He --</p> <p>17 MR. CRUM: You just answer what</p> <p>18 you know.</p> <p>19 A He knew what I was convicted of.</p> <p>20 That's it.</p> <p>21 Q Did -- did he know how many</p> <p>22 counts that you were convicted of?</p> <p>23 A I don't know.</p>
<p style="text-align: right;">22</p> <p>1 A I don't know, ma'am.</p> <p>2 Q You don't know that -- why you</p> <p>3 thought that?</p> <p>4 A No, ma'am.</p> <p>5 Q Surely you had some reason to</p> <p>6 think it.</p> <p>7 A I just figured she was, thought</p> <p>8 she was.</p> <p>9 Q Now, did you ever confront her</p> <p>10 with the idea that she was seeing your</p> <p>11 nephew?</p> <p>12 A No, ma'am.</p> <p>13 Q Is that why you separated,</p> <p>14 because either she was seeing Mr. Wilson or</p> <p>15 you thought she seeing Mr. Wilson?</p> <p>16 A We separated because she said she</p> <p>17 wanted a divorce.</p> <p>18 Q So it was her idea?</p> <p>19 A Yes, ma'am.</p> <p>20 Q All right. Are you related to</p> <p>21 Bruce Cassady?</p> <p>22 A He is my ex-wife's uncle.</p> <p>23 Q Your ex-wife, Ronnie?</p>	<p style="text-align: right;">24</p> <p>1 Q Did he know you had served time</p> <p>2 in prison?</p> <p>3 A I don't really know.</p> <p>4 Q Take a look at Plaintiff's</p> <p>5 Exhibit Number 10 and tell me what that is,</p> <p>6 please, sir.</p> <p>7 MR. CRUM: Let me see it.</p> <p>8 Q What is that, first of all, Mr.</p> <p>9 Williams?</p> <p>10 MR. CRUM: Hold on just a minute.</p> <p>11 A Talking about what is this?</p> <p>12 Q What? You're looking on the</p> <p>13 second page. Perhaps it would help you if</p> <p>14 you looked on the first page, but maybe you</p> <p>15 know what it is.</p> <p>16 MR. CRUM: She's asking you if</p> <p>17 you know what that is.</p> <p>18 A Oh, it's an application.</p> <p>19 Q All right. When is it dated,</p> <p>20 sir?</p> <p>21 A 2000, 9/22/2000.</p> <p>22 Q Now, over there on references,</p> <p>23 you have Mr. Cassady listed as a reference</p>



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<p style="text-align: right;">25</p> <p>1 and it says you knew him for three and a 2 half years. Is that right? 3 A That's what it says. 4 Q That's -- all right. Was that a 5 lie? 6 A I just put it there because 7 that's what they told me to. That's what 8 my -- her uncle told me to do. 9 Q Her uncle? 10 A Had said that -- told me I knew 11 him for that long. 12 Q Mr. Cassady? 13 A Yes, ma'am. 14 Q At the time, what was 15 Mr. Cassady's position at Flavor House? 16 A I think he was just over label 17 machines. 18 Q Is that manager? 19 A I don't know. I just know he was 20 over the label machines, a label operator. 21 I don't know if he was a manager or how they 22 put it. 23 Q And Mr. -- Mr. Cassady told you</p>	<p style="text-align: right;">27</p> <p>1 A He didn't say how long or 2 nothing. He just said tell them I knew him 3 so I just put that long. 4 Q So you're the one who decided to 5 lie? 6 MR. CRUM: Object to the form. 7 But you can answer that. 8 A Yes. 9 Q And why did you decide to lie on 10 your application about how long you had 11 known Mr. Cassady? 12 A Just so I could use him as a 13 personal reference. 14 Q Did you not have anybody else 15 that you could -- that you knew that could 16 be your reference? Was he the one lone soul 17 in the world who you could list as a 18 reference? 19 A No, ma'am. 20 Q So why did you decide to lie 21 about how long you had known Mr. Cassady? 22 A I don't know. 23 Q While we're talking about it, who</p>
<p style="text-align: right;">26</p> <p>1 to lie on your application with Flavor 2 House. Is that what you're saying? 3 MR. CRUM: Object to the form. 4 MS. SWAIN: Objection. 5 MR. CRUM: You need to -- 6 THE WITNESS: He didn't -- what? 7 MR. CRUM: I guess she's asking 8 you that question, but you need to -- 9 BY MS. ROBERTSON: 10 Q Yeah. And they don't want you 11 to -- they want you to avoid answering it, 12 so they're making a bunch of noise. 13 MR. CRUM: And, certainly, we 14 want you to do nothing but answer the 15 question she's asking you. 16 THE WITNESS: Did he tell me to 17 lie? 18 MR. CRUM: Did he tell you to lie 19 on your application? 20 A No. He just said tell him -- to 21 say I knew him. That's all. I put the 22 three and a half years. 23 Q So --</p>	<p style="text-align: right;">28</p> <p>1 interviewed you for that position at Flavor 2 House? 3 A I don't recall. 4 Q You have no idea? 5 A No, ma'am. That's been a long 6 time ago. 7 Q Did -- were you interviewed by 8 one person or more than one person? 9 A I can't recall. 10 Q Now, look on the page 2 of that 11 document, please sir, where it says Butch 12 Cassady. 13 A Yes, ma'am. 14 Q Somebody had a messed-up momma 15 and daddy, by the way. But had you known 16 him at all? 17 A Yes, ma'am. 18 Q For three and a half years? 19 A I -- I'm saying close to that 20 because I'd known him as long as I'd known 21 my ex-wife. 22 Q Did he know about your 23 incarceration?</p>

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<p style="text-align: right;">29</p> <p>1 A I don't know, ma'am.</p> <p>2 Q Well, when did -- you got out of</p> <p>3 jail in late 1996; right?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Did you know him then?</p> <p>6 A No.</p> <p>7 Q Now, your -- your -- Ronnie's</p> <p>8 mother put the warrant out on you in 1998;</p> <p>9 right?</p> <p>10 A Yes, ma'am, I think.</p> <p>11 Q Did you know him then?</p> <p>12 A Yes, ma'am.</p> <p>13 Q What was Butch Cassady doing at</p> <p>14 Flavor House at the time?</p> <p>15 A I -- I really don't know. I know</p> <p>16 he ran a label machine. That's all I do</p> <p>17 know.</p> <p>18 Q Now, for my own edification, it</p> <p>19 was at or about the time you made</p> <p>20 application to Flavor House that you met</p> <p>21 Bruce Cassady; is that right?</p> <p>22 A Close to that.</p> <p>23 Q Well, how -- how close are we</p>	<p style="text-align: right;">31</p> <p>1 Q I'm sorry? Where?</p> <p>2 A Ventress.</p> <p>3 Q Did you receive any other</p> <p>4 training besides getting your GED at JFI</p> <p>5 Ingram?</p> <p>6 A I did some -- I did almost a year</p> <p>7 in college toward getting a business degree.</p> <p>8 Q Where -- where is Draper?</p> <p>9 A In Wetumpka.</p> <p>10 Q And Kilby is where?</p> <p>11 A Montgomery.</p> <p>12 Q How did you get transferred from</p> <p>13 Kilby to Draper?</p> <p>14 A I don't know that. They -- they</p> <p>15 do that.</p> <p>16 Q There wasn't any reason?</p> <p>17 A No.</p> <p>18 Q Did you have any trouble in</p> <p>19 prison?</p> <p>20 MR. CRUM: Object to the form.</p> <p>21 But you can answer. Did you --</p> <p>22 A I -- I got in a scuffle a couple</p> <p>23 of times. That's pretty much it that I can</p>
<p style="text-align: right;">30</p> <p>1 talking, a week, a month?</p> <p>2 A I ain't for sure.</p> <p>3 Q Six months?</p> <p>4 A I ain't for sure.</p> <p>5 Q While we've got our application</p> <p>6 out, where is JFI Ingram?</p> <p>7 A That's in Wetumpka.</p> <p>8 Q Did you attend JFI Ingram?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Physically?</p> <p>11 A Yes, ma'am. It was -- it's part</p> <p>12 of a prison college there.</p> <p>13 Q So you were incarcerated when you</p> <p>14 attended it?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Where were you incarcerated,</p> <p>17 Kilby?</p> <p>18 A I started out at Kilby.</p> <p>19 Q Where were -- where else -- where</p> <p>20 else did you serve?</p> <p>21 A Draper --</p> <p>22 Q Anywhere else?</p> <p>23 A -- and Ventress.</p>	<p style="text-align: right;">32</p> <p>1 remember.</p> <p>2 Q Did you have any trouble in</p> <p>3 prison because of what you were in prison</p> <p>4 for?</p> <p>5 A No.</p> <p>6 Q Usually, the prisoners don't like</p> <p>7 it when you have sex with little children.</p> <p>8 MR. CRUM: Object to the form.</p> <p>9 That's not a question so don't say</p> <p>10 anything.</p> <p>11 Q Did you have any trouble because</p> <p>12 of your convictions for having sex with</p> <p>13 children?</p> <p>14 MR. CRUM: Did you have any</p> <p>15 trouble in prison based on your charges?</p> <p>16 A No. No, ma'am.</p> <p>17 Q You were convicted for having sex</p> <p>18 with a child, weren't you?</p> <p>19 MR. CRUM: Tell her what you were</p> <p>20 convicted for.</p> <p>21 A I was --</p> <p>22 MS. ROBERTSON: No. I --</p> <p>23 don't -- please. I ask him the</p>

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<p style="text-align: right;">33</p> <p>1 questions. He answers my questions.  2 MR. CRUM: I don't care. Tell  3 her what you're convicted of.  4 A I was convicted of rape -- two  5 counts of rape and three counts -- two  6 counts -- three counts of rape two and two  7 counts of sodomy one.  8 Q And was one of the counts of  9 sodomy with a 10 year old?  10 A That's what I was charged with,  11 yes, ma'am.  12 Q And you pled guilty to it, didn't  13 you?  14 A Yes, ma'am.  15 Q And that's having sex with a  16 child; correct?  17 MR. CRUM: Asking you what sodomy  18 is, I guess.  19 A If you're asking -- yes,  20 that's -- if you're ask me if that's what it  21 means, yes, ma'am.  22 Q Well, tell me any other meaning  23 that you might have in mind.</p>	<p style="text-align: right;">35</p> <p>1 MR. CRUM: Just answer.  2 Q So you pled guilty to something  3 you didn't do so you could go to prison for  4 10 years?  5 A Instead of 50, yes, ma'am.  6 Q Did you tell your probation  7 officer you did these things that you were  8 charged with?  9 MR. CRUM: Object to the form.  10 A I don't understand the question.  11 Q Did you have an interview with a  12 probation officer before you were sentenced  13 to the 10 years?  14 A Not that I -- not that I believe  15 I did. Now, if I did, I don't -- I don't  16 remember.  17 Q Well, tell me if you didn't have  18 sex with this 10 year old why you believe  19 this 10 year old made those allegations.  20 A I don't know.  21 Q Were there any of the other acts  22 that you were charged with that you didn't  23 do?</p>
<p style="text-align: right;">34</p> <p>1 MR. CRUM: Object to the form. I  2 don't know that he can answer that  3 unless you clarify it.  4 MS. ROBERTSON: Well, he seems to  5 think there might be some other  6 explanation for having oral sex with a  7 10 year old.  8 MR. CRUM: As much as I  9 appreciate that, if you're asking him to  10 define sodomy, then please ask him that.  11 If you're asking him something else --  12 Q Did you have oral sex with a 10  13 year old?  14 A No, ma'am.  15 Q Did you plead guilty to having  16 oral sex with --  17 A Yes, ma'am.  18 Q Why did you plead guilty if you  19 didn't do it?  20 A Because my lawyer had told me I  21 could get 50 years in jail and spend the  22 rest of my life in jail or I could spend 10  23 years on each count, so I took the 10 years.</p>	<p style="text-align: right;">36</p> <p>1 MR. CRUM: Object to the form.  2 Q Huh?  3 MR. CRUM: You can answer.  4 A Yes, ma'am.  5 Q All right. Tell me which ones.  6 MR. CRUM: You're talking about  7 of this those five?  8 MS. ROBERTSON: Uh-huh, the ones  9 that he pled guilty to.  10 MR. CRUM: Sure. We've  11 established that he pled guilty. She's  12 asking you if there's any of those other  13 five counts that you feel that you  14 didn't --  15 A Yes, ma'am. One of the sodomy --  16 the other sodomy one charge and one of the  17 rape two charges.  18 Q So you -- you -- you -- you admit  19 that you were guilty of two of the rape  20 charges?  21 A Rape two, yes, ma'am.  22 Q Well, couldn't you have served --  23 how much time could you have served on</p>

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<p style="text-align: right;">37</p> <p>1 either of those rape counts?</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 If you know.</p> <p>4 A I don't know.</p> <p>5 Q Up to 50 years? Up to life;</p> <p>6 right?</p> <p>7 A I don't know.</p> <p>8 Q So you -- you pled guilty without</p> <p>9 knowing what you were looking at if you had</p> <p>10 gone to trial?</p> <p>11 MR. CRUM: I think he'd answered.</p> <p>12 He's already answered what his lawyer</p> <p>13 told him, so object to the form.</p> <p>14 MS. ROBERTSON: I'm just asking</p> <p>15 him.</p> <p>16 Q Did you plead guilty without</p> <p>17 knowing what you were looking at?</p> <p>18 A I was told by my lawyer that no</p> <p>19 matter what, I was going to get 50 years, so</p> <p>20 I did what I -- my lawyer thought was best.</p> <p>21 Q How did these charges that you</p> <p>22 faced come about? Do you know? I mean, who</p> <p>23 first reported you?</p>	<p style="text-align: right;">39</p> <p>1 Q Now, were you convicted of</p> <p>2 forgery?</p> <p>3 A Yes, ma'am.</p> <p>4 Q And how did you get convicted of</p> <p>5 forgery?</p> <p>6 A I signed a bad check. I signed a</p> <p>7 check.</p> <p>8 Q You mean you overdrafted?</p> <p>9 A No, ma'am.</p> <p>10 Q Well, tell -- tell me what you</p> <p>11 mean by you signed a bad check.</p> <p>12 A I signed a check that wasn't</p> <p>13 mine.</p> <p>14 Q What kind of check was it?</p> <p>15 A It was a payroll check.</p> <p>16 Q From where?</p> <p>17 A I can't think of the name of the</p> <p>18 company.</p> <p>19 Q How did you come to have the</p> <p>20 payroll check?</p> <p>21 A The boss had gave me the checks</p> <p>22 for me and my co-worker, and I was supposed</p> <p>23 to give it to him and I didn't.</p>
<p style="text-align: right;">38</p> <p>1 A I really don't know who first</p> <p>2 reported me.</p> <p>3 Q Do you have any -- you have no</p> <p>4 idea?</p> <p>5 A No, ma'am.</p> <p>6 Q And you don't have any idea how</p> <p>7 the others were located after the -- they</p> <p>8 came forward?</p> <p>9 MR. CRUM: Other girls.</p> <p>10 Q Other people.</p> <p>11 A No, ma'am.</p> <p>12 Q All right. How much education do</p> <p>13 you have, sir?</p> <p>14 A I quit in ninth grade. I have a</p> <p>15 GED and I did however long I did at JFI</p> <p>16 Ingram in college.</p> <p>17 Q All right. When -- when you said</p> <p>18 you quit in the ninth grade, where did you</p> <p>19 go to -- to the ninth grade?</p> <p>20 A Eufaula High School.</p> <p>21 Q And how old were you when you</p> <p>22 dropped out?</p> <p>23 A 16.</p>	<p style="text-align: right;">40</p> <p>1 Q Where -- where did you work then?</p> <p>2 A I can't remember the name of the</p> <p>3 company.</p> <p>4 Q How much was the check for?</p> <p>5 A I have no idea.</p> <p>6 Q How old were you when that</p> <p>7 happened?</p> <p>8 A It's been so long, ma'am, I</p> <p>9 really don't know.</p> <p>10 Q And that was a felony; right?</p> <p>11 A I'm guessing.</p> <p>12 Q Because you were put on pro --</p> <p>13 MR. CRUM: Don't guess.</p> <p>14 A I don't know.</p> <p>15 Q You were put on probation for two</p> <p>16 years; right?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And you were on probation for the</p> <p>19 forgery conviction when you were convicted</p> <p>20 of these various rapes and sodomies; right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Plaintiff's 10, look where it</p> <p>23 says have you ever been convicted of a</p>



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<p style="text-align: right;">41</p> <p>1 felony. And what did you put?</p> <p>2 A Yes.</p> <p>3 Q Ma'am -- sir?</p> <p>4 A Yes.</p> <p>5 Q Okay. And -- and then what did</p> <p>6 you say in way of explanation?</p> <p>7 A Statutory rape. My girlfriend</p> <p>8 was two years younger than I was.</p> <p>9 Q That was just not true, was it?</p> <p>10 MR. CRUM: Object to the form.</p> <p>11 That wasn't true?</p> <p>12 A Why wasn't it true? That's what</p> <p>13 I was convicted of.</p> <p>14 Q Who was your girlfriend?</p> <p>15 A Jennifer McClain.</p> <p>16 Q And so that was one of your</p> <p>17 convictions; right?</p> <p>18 A Yes, ma'am.</p> <p>19 Q That wasn't the 10 year old that</p> <p>20 you had sex with or you --</p> <p>21 MR. CRUM: Object to the form.</p> <p>22 Q -- pled guilty to; right?</p> <p>23 MR. CRUM: Did you -- object to</p>	<p style="text-align: right;">43</p> <p>1 ridiculous about --</p> <p>2 MR. CRUM: -- that are misleading</p> <p>3 and mischaracterizing, I'm going to</p> <p>4 object to them and try to clarify for</p> <p>5 him.</p> <p>6 MS. ROBERTSON: Okay.</p> <p>7 MR. CRUM: Since you don't</p> <p>8 clarify anything when I object, I'm</p> <p>9 trying to help him to answer the</p> <p>10 questions you're asking.</p> <p>11 MS. ROBERTSON: Well, then if</p> <p>12 you're right -- if you're right, then</p> <p>13 the question is bad; right?</p> <p>14 MR. CRUM: Sure.</p> <p>15 MS. ROBERTSON: If you're</p> <p>16 wrong --</p> <p>17 MR. CRUM: But you tend to not</p> <p>18 listen and just keep going, so I'm</p> <p>19 trying to get through this.</p> <p>20 MS. ROBERTSON: Because I know</p> <p>21 what I'm doing.</p> <p>22 MR. CRUM: Well, that's fantastic</p> <p>23 to hear, but it doesn't appear that way.</p>
<p style="text-align: right;">42</p> <p>1 the --</p> <p>2 MS. ROBERTSON: Excuse me.</p> <p>3 MR. CRUM: -- compound question.</p> <p>4 MS. ROBERTSON: We're going to go</p> <p>5 talk to the judge. I am not having you</p> <p>6 --</p> <p>7 MR. CRUM: Talk to whoever you</p> <p>8 want to. I am not going to put up with</p> <p>9 your ridiculousness. When you ask a</p> <p>10 question that's misleading and compound</p> <p>11 and makes no sense, I'm going to object</p> <p>12 to it and I'm going to tell him not to</p> <p>13 answer it.</p> <p>14 MS. ROBERTSON: Well, then you</p> <p>15 object and then keep your mouth shut</p> <p>16 because that's what you're supposed to</p> <p>17 do.</p> <p>18 MR. CRUM: Well, I'm glad to hear</p> <p>19 what I'm supposed to do, but I'm not</p> <p>20 going to put up with your</p> <p>21 ridiculousness. So if you want to ask</p> <p>22 compound questions --</p> <p>23 MS. ROBERTSON: There was nothing</p>	<p style="text-align: right;">44</p> <p>1 BY MS. ROBERTSON:</p> <p>2 Q Did you put down there about</p> <p>3 being convicted of having sex with a 10 year</p> <p>4 old?</p> <p>5 A No, ma'am.</p> <p>6 Q Did you put about having raping</p> <p>7 other girls?</p> <p>8 A No, ma'am.</p> <p>9 Q Why did you just choose to talk</p> <p>10 about your girlfriend that was two years</p> <p>11 younger than you?</p> <p>12 A I don't know. I just put it</p> <p>13 down. I was convicted.</p> <p>14 Q So it was a lie; right?</p> <p>15 MR. CRUM: Object to the form.</p> <p>16 A No, ma'am, it was not a lie</p> <p>17 because that's -- that is one of the things</p> <p>18 I was convicted of.</p> <p>19 Q Well, it says, Have you ever been</p> <p>20 convicted of any felony? If yes, describe</p> <p>21 in detail. Well, you were convicted of five</p> <p>22 different counts of rape and/or sodomy;</p> <p>23 right?</p>



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<p style="text-align: right;">45</p> <p>1 A Uh-huh.</p> <p>2 Q Sir?</p> <p>3 A Yes, ma'am.</p> <p>4 Q And you were convicted of</p> <p>5 forgery; correct?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And your detailed description was</p> <p>8 you were convicted of statutory rape; my</p> <p>9 girlfriend was two years younger than me</p> <p>10 when I was 18. Is that right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Some of these girls that you had</p> <p>13 sex with that you pled guilty to, you were</p> <p>14 20; right?</p> <p>15 A I --</p> <p>16 MR. CRUM: Object to the form.</p> <p>17 A I don't remember.</p> <p>18 Q Well, why did you elect, when it</p> <p>19 said explain about your felonies in detail,</p> <p>20 to only put one and put the one that you</p> <p>21 considered -- well, excuse me. Did you</p> <p>22 consider that a bad thing that you did when</p> <p>23 you had sex with your 16-year-old girl when</p>	<p style="text-align: right;">47</p> <p>1 Q Were you having difficulty in</p> <p>2 school?</p> <p>3 A No, ma'am.</p> <p>4 Q Did you have a better something</p> <p>5 to do like a better job or --</p> <p>6 A No, ma'am.</p> <p>7 Q Did you win the lottery or</p> <p>8 something?</p> <p>9 A No, ma'am.</p> <p>10 Q So why -- why did you drop out of</p> <p>11 school in the ninth grade?</p> <p>12 A I don't know.</p> <p>13 Q What did you do when you dropped</p> <p>14 out of school?</p> <p>15 A I went to work for a Phillips 76</p> <p>16 station.</p> <p>17 Q And how old were you when you</p> <p>18 dropped out of school?</p> <p>19 A 16.</p> <p>20 Q All right. And did we establish</p> <p>21 how old you were when you were convicted of</p> <p>22 forgery?</p> <p>23 A No, ma'am.</p>
<p style="text-align: right;">46</p> <p>1 you were 18?</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 A Yes, ma'am.</p> <p>4 Q All right. Well, why did you</p> <p>5 elect to only put one?</p> <p>6 A I don't know.</p> <p>7 Q Did you discuss with anybody that</p> <p>8 you were only going to lie or that you were</p> <p>9 going to lie and only put one?</p> <p>10 MR. CRUM: Object to the form.</p> <p>11 A No, ma'am.</p> <p>12 Q Why didn't you list the -- the</p> <p>13 forgery there?</p> <p>14 A I don't know.</p> <p>15 Q All right. Tell me where you've</p> <p>16 worked, please, sir.</p> <p>17 A Like?</p> <p>18 Q Starting with -- well, no. Let</p> <p>19 me go back. You dropped out of the --</p> <p>20 the -- the school in ninth grade. Why did</p> <p>21 you drop out?</p> <p>22 A I don't know. I just wanted to</p> <p>23 quit.</p>	<p style="text-align: right;">48</p> <p>1 Q How old were you?</p> <p>2 A I don't -- I can't remember.</p> <p>3 Q Do you -- did you have a juvenile</p> <p>4 record?</p> <p>5 A If I did, I don't remember.</p> <p>6 Q Did you ever spend any time in</p> <p>7 juvenile detention?</p> <p>8 A No, ma'am.</p> <p>9 MR. CRUM: Let her finish her</p> <p>10 question, though, just because you want</p> <p>11 to answer before she's done and it gets</p> <p>12 confusing.</p> <p>13 THE WITNESS: I'm sorry.</p> <p>14 MR. CRUM: That's all right.</p> <p>15 Q What did you do from the time you</p> <p>16 -- besides -- how long did you work at</p> <p>17 Phillips whatever, the filling station?</p> <p>18 A I don't recall.</p> <p>19 Q What was your next job?</p> <p>20 A I can't remember.</p> <p>21 Q Did you support yourself with a</p> <p>22 job in Phillip -- at Phillips?</p> <p>23 A I lived with my mom and dad for a</p>

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<p style="text-align: right;">49</p> <p>1 while.</p> <p>2 Q And your mother and dad are who?</p> <p>3 A Betty Williams and Frank</p> <p>4 Williams.</p> <p>5 Q And you said you lived with them</p> <p>6 for a while?</p> <p>7 A Yeah.</p> <p>8 Q How long did you live with them</p> <p>9 after you dropped out of school?</p> <p>10 A I can't remember.</p> <p>11 Q Was it, like, a year or a month</p> <p>12 or you have no -- no idea?</p> <p>13 A I don't know, ma'am.</p> <p>14 Q Were they disappointed in you for</p> <p>15 dropping out of school in ninth grade?</p> <p>16 A I don't know, ma'am.</p> <p>17 Q They -- did they express any</p> <p>18 disappointment?</p> <p>19 A I can't remember.</p> <p>20 Q All right. Are your mother and</p> <p>21 father still married?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And these two people are your</p>	<p style="text-align: right;">51</p> <p>1 divorced?</p> <p>2 A I don't know.</p> <p>3 Q Did you live with your father the</p> <p>4 whole time after they -- after your parents</p> <p>5 got a divorce?</p> <p>6 A Yes, ma'am.</p> <p>7 Q All right. What is your mother's</p> <p>8 name?</p> <p>9 A Priscilla Green.</p> <p>10 Q And did -- did you have -- do you</p> <p>11 maintain a relationship with her?</p> <p>12 A Yes, ma'am.</p> <p>13 Q All right. Did -- did you have</p> <p>14 any kind of custody -- were you in both of</p> <p>15 their custodies for any period of time?</p> <p>16 A I lived with my father.</p> <p>17 Q Do you know did your mother give</p> <p>18 up custody or did she lose custody?</p> <p>19 A I don't know.</p> <p>20 Q Was there a period of time when</p> <p>21 you lived with your father alone, in other</p> <p>22 words he didn't have a wife.</p> <p>23 A I can't remember.</p>
<p style="text-align: right;">50</p> <p>1 natural parents?</p> <p>2 A No, ma'am.</p> <p>3 Q All right. Well, which one of</p> <p>4 them is not your natural parent?</p> <p>5 A Betty Williams.</p> <p>6 Q Is she your stepmother?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Where is your mother?</p> <p>9 A She lives -- her -- she lives in</p> <p>10 Cowarts.</p> <p>11 Q And -- and was she ever married</p> <p>12 to your father?</p> <p>13 A Yes, ma'am.</p> <p>14 Q How long were they married?</p> <p>15 A I don't know.</p> <p>16 Q Were -- well, were -- when did</p> <p>17 they get a divorce? How old were you when</p> <p>18 they got a divorce?</p> <p>19 A I don't know.</p> <p>20 Q You have no -- no idea?</p> <p>21 A No, ma'am.</p> <p>22 Q Why is it that you have no</p> <p>23 recollection of when your parents got</p>	<p style="text-align: right;">52</p> <p>1 Q All right. So you can't remember</p> <p>2 how long you lived with your mom -- I mean</p> <p>3 your stepmom and your dad -- step -- your</p> <p>4 dad after you dropped out of school. Do you</p> <p>5 remember the first time you lived other than</p> <p>6 with them?</p> <p>7 A Could you repeat the question?</p> <p>8 Q Do you remember when you first</p> <p>9 lived with someone either by yourself or</p> <p>10 someone other than your mom -- I mean your</p> <p>11 stepmom and your dad?</p> <p>12 A Yes, ma'am.</p> <p>13 Q When?</p> <p>14 A I don't know the exact year or</p> <p>15 the date but --</p> <p>16 Q About.</p> <p>17 A I would say close to '88, maybe.</p> <p>18 Q All right. And when did -- what</p> <p>19 year did you drop out of school?</p> <p>20 A I -- when I was 16 so that would</p> <p>21 be --</p> <p>22 Q You were married -- I mean you</p> <p>23 were born in '71.</p>

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<p style="text-align: right;">53</p> <p>1 MR. CRUM: Just do your best.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. CRUM: No. I know. I mean</p> <p>4 just do your best with the dates.</p> <p>5 A It could have been '88. It could</p> <p>6 have been later. I can't remember when that</p> <p>7 was.</p> <p>8 Q I've got to see if we can do the</p> <p>9 math. If you were 16, you were born in</p> <p>10 1971. That would have been -- you were --</p> <p>11 1987. Does that sound about right when you</p> <p>12 dropped out of school, 1987?</p> <p>13 A I don't know, ma'am.</p> <p>14 Q Why did -- did you go live by</p> <p>15 yourself?</p> <p>16 A I lived with a friend.</p> <p>17 Q Who was your friend?</p> <p>18 A Brad Morris.</p> <p>19 Q Who?</p> <p>20 A Brad Morris.</p> <p>21 Q And what was the reason for you</p> <p>22 leaving your parents' home and going to live</p> <p>23 with him?</p>	<p style="text-align: right;">55</p> <p>1 Q All right. Where is the next</p> <p>2 place you worked that you can remember?</p> <p>3 A It should have been -- it might</p> <p>4 have been Coca-Cola when I got out of jail.</p> <p>5 I don't remember.</p> <p>6 Q But you can't remember where it</p> <p>7 was that you worked when you got -- forged a</p> <p>8 check for your co-worker; is that right?</p> <p>9 A No, ma'am.</p> <p>10 Q Was -- was your co-worker someone</p> <p>11 who needed his paycheck?</p> <p>12 MR. CRUM: Object to the form.</p> <p>13 A I suppose.</p> <p>14 Q Did he work for his paycheck?</p> <p>15 A Yes, ma'am.</p> <p>16 MR. CRUM: Object to the form.</p> <p>17 Q Why was it that you decided you</p> <p>18 would take his paycheck?</p> <p>19 A I can't remember.</p> <p>20 Q You would agree with me that</p> <p>21 forgery, signing someone's else name and</p> <p>22 stealing their money, is an act of</p> <p>23 dishonesty, would you not?</p>
<p style="text-align: right;">54</p> <p>1 A I guess we just got a place. I</p> <p>2 can't remember.</p> <p>3 Q Do you know where you were</p> <p>4 working when you got a place?</p> <p>5 A No, ma'am.</p> <p>6 Q When is the next job you remember</p> <p>7 after Phillips?</p> <p>8 A I worked at Shoney's, but I can't</p> <p>9 remember when.</p> <p>10 Q What did you do for Shoney's?</p> <p>11 A I was a cook, morning cook.</p> <p>12 Q What?</p> <p>13 A A morning cook. I cooked</p> <p>14 breakfast.</p> <p>15 Q And where -- where was the</p> <p>16 Shoney's you worked in?</p> <p>17 A Eufaula. Eufaula.</p> <p>18 Q How long did you work there?</p> <p>19 A I don't remember. I don't</p> <p>20 recall.</p> <p>21 Q Well, did -- was it a long</p> <p>22 employment or was it more than six months?</p> <p>23 A I can't remember.</p>	<p style="text-align: right;">56</p> <p>1 A Yes, ma'am.</p> <p>2 Q Do you -- do you remember why it</p> <p>3 was you needed the money more than him?</p> <p>4 MR. CRUM: Object to the form.</p> <p>5 A No, ma'am.</p> <p>6 Q Was he expecting you to pick up</p> <p>7 his money?</p> <p>8 A I can't recall.</p> <p>9 Q How did you -- you were -- do you</p> <p>10 know how it was that you came to be arrested</p> <p>11 for the forgery count?</p> <p>12 A No, ma'am.</p> <p>13 Q All right. So Coca-Cola, you</p> <p>14 think that's the next job you can remember?</p> <p>15 A I think. I ain't for sure.</p> <p>16 Q Now, when would that have been</p> <p>17 that you worked for Coke?</p> <p>18 A Not too long after I got out of</p> <p>19 jail. I don't remember exactly the dates.</p> <p>20 Q Do you know where you were</p> <p>21 working in 1990 when some of the activities</p> <p>22 that you were convicted of occurred?</p> <p>23 A No, ma'am.</p>

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<p style="text-align: right;">57</p> <p>1 Q What about 1999? I'm sorry.  2 That's not right. 1991?  3 A No, ma'am.  4 Q You don't know where you were  5 working in 1990 or '91?  6 A I can't remember.  7 Q Were you employed at all?  8 A Possibility. I don't recall.  9 Q Well, do you remember how long  10 you worked for Coca-Cola?  11 A I would say for at least a year,  12 maybe -- maybe a little bit more.  13 Q Sir?  14 A Maybe a little bit more, but I  15 ain't for sure exactly how long.  16 Q What did you do for Coca-Cola?  17 A I'm trying to think what you  18 would call it. Put different products on  19 the pallet to put on the trucks.  20 Q And why did you leave Coca-Cola?  21 A I went to work at Dairy Fresh.  22 Q Well, was -- are you saying it  23 was a better job or did you get fired from</p>	<p style="text-align: right;">59</p> <p>1 experienced the upward mobility that you had  2 anticipated when you left Coca-Cola?  3 A Yes, ma'am.  4 Q So how much more were you making  5 at Dairy Fresh when you left?  6 A 10.25 when I left.  7 Q Well, how much more was that than  8 you were making --  9 A About \$3.50 more.  10 Q How much?  11 A \$3.50 more.  12 MR. CRUM: Let her finish her  13 question.  14 THE WITNESS: I'm sorry.  15 Q How long -- did you say -- did  16 you tell me how long you worked at Dairy  17 Fresh?  18 A No, ma'am. I can't remember.  19 Q Why did you leave Dairy Fresh?  20 A I got fired.  21 Q Why did you get fired from Dairy  22 Fresh?  23 A From not being to work on time,</p>
<p style="text-align: right;">58</p> <p>1 Coca-Cola? I mean, why did you go -- leave  2 Coca-Cola?  3 A Well, Dairy Fresh was a better  4 opportunity.  5 Q Did you make more money at Dairy  6 Fresh than you did at Coca-Cola?  7 A Not at first, but I knew it would  8 pay off.  9 Q How much less did you work --  10 make at Dairy Fresh than you did at  11 Coca-Cola?  12 A When I first started, it was a  13 quarter.  14 Q You made 25 cents an hour less?  15 A When I first started.  16 Q Did you list on your application  17 at Coca-Cola and/or Dairy Fresh that you  18 were a convicted felony -- a felon?  19 A I can't remember.  20 Q And how long did you work at  21 Dairy Fresh?  22 A I can't remember.  23 Q Was it long enough that you</p>	<p style="text-align: right;">60</p> <p>1 being five minutes late, 10 minutes late,  2 whatever.  3 MR. CRUM: When you get to a  4 point, it's been about an hour, I would  5 like to take a break.  6 MS. ROBERTSON: Sure.  7 THE VIDEOGRAPHER: We're off at  8 3:27.  9 (Whereupon, a short break was taken.)  10 THE VIDEOGRAPHER: We're back on  11 at 3:43. This is the beginning of tape  12 2.  13 BY MS. ROBERTSON:  14 Q Look at Plaintiff's Exhibit  15 Number 10. Did you tell me that -- that  16 statutory rape with your girlfriend, your  17 girlfriend was Jennifer McClain?  18 A Yes, ma'am.  19 Q And you said she was 16 when you  20 were 18; is that right?  21 MR. CRUM: Object to the form.  22 Q On this piece of paper?  23 A Yes, ma'am.</p>

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<p style="text-align: right;">61</p> <p>1 (Plaintiff's Exhibit Number 2 15 was marked for identification 3 and attached to the deposition.) 4 BY MS. ROBERTSON: 5 Q I'll show you what's been marked 6 as Plaintiff's Exhibit Number 15 and ask you 7 to -- I'm going to let your lawyer look at 8 it for a second. It's marked as Plaintiff's 9 Exhibit Number 15 and ask you what that is. 10 MR. CRUM: Just look at it. 11 A It's a warrant. 12 Q Right. And it says that you pled 13 -- that -- that's one of the counts you pled 14 guilty to; right? 15 A Yes, ma'am. 16 Q And it says that -- that Jennifer 17 McClain was 14 when you were 18 and had 18 sexual intercourse with her; right? 19 A That's what it says, ma'am. 20 Q So do you think you got it wrong 21 on Plaintiff's Exhibit Number 10 that she 22 was 14 and not 16? 23 A I don't remember.</p>	<p style="text-align: right;">63</p> <p>1 ma'am. 2 Q Huh? 3 A I don't know how old she was. 4 Q Do you -- do you know what the 5 allegation? 6 A It was sodomy one. 7 Q Okay. And you don't know what -- 8 the -- the allegation of how old she was? 9 A No, ma'am. 10 Q Okay. What -- how did you know 11 Amber Nelson? 12 A She was just somebody from where 13 I lived. 14 Q And do you have -- are you saying 15 you didn't have -- you didn't sodomize Amber 16 Nelson? 17 A No, ma'am. 18 Q Do you -- and you don't have any 19 idea why Amber Nelson would make such a 20 thing up; right? 21 A No, ma'am. 22 Q Do you think she just thought she 23 would get on the train with these other two</p>
<p style="text-align: right;">62</p> <p>1 Q You don't know? 2 A I don't remember. I mean, I must 3 have. 4 Q Was Renae Lamberson ever your 5 girlfriend? 6 A Yes, ma'am. 7 Q Was she 13 when you first had sex 8 with her? 9 A I believe so. 10 Q How old were you when -- when you 11 had sex with Ms. Lamberson? 12 A I can't remember. 13 Q Now, was Amber Nelson ever your 14 girlfriend? 15 A No, ma'am. 16 Q Now, she was 14 when you had sex 17 with her; right? 18 MR. CRUM: Object to the form. 19 A I never had sex with her. 20 Q Well, the -- the allegation that 21 you pled guilty to, the sodomy, she was 14; 22 right? 23 A I have no idea how old she was,</p>	<p style="text-align: right;">64</p> <p>1 girls that were accusing you of being a 2 rapist? 3 A I don't know, ma'am. 4 Q What about Michelle Samford? Do 5 you know her? 6 A Know of her. 7 Q Now, was she one of the ones that 8 you pled guilty to that you actually did? 9 A No, ma'am. 10 Q All right. And she was 13 11 years -- the allegation is that she was 13 12 years old. 13 A I have no idea. 14 Q And you don't know why she may 15 have made these allegations? 16 A No, ma'am. 17 Q Do you know who she was? 18 A I just know of her. 19 Q You don't even know -- you didn't 20 have -- 21 A I didn't -- 22 MR. CRUM: Wait. Let her finish 23 her question.</p>



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<p style="text-align: right;">65</p> <p>1 THE WITNESS: Oh, I'm sorry.</p> <p>2 Q Did you talk to her, did you ride</p> <p>3 bicycles together, or are you just saying</p> <p>4 you didn't even know her?</p> <p>5 A I just knew of her around.</p> <p>6 Q What about Jennifer McClain? She</p> <p>7 was 12 years old the first time you had</p> <p>8 sexual intercourse with her; right?</p> <p>9 A I don't know.</p> <p>10 Q You don't know?</p> <p>11 A No, ma'am.</p> <p>12 Q Do you know a Melissa Cantley?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Was -- were you ever charged with</p> <p>15 having any kind of -- any raping her at all?</p> <p>16 A Any what?</p> <p>17 Q Were you ever charged with raping</p> <p>18 her at all?</p> <p>19 A No, ma'am, not that I realize.</p> <p>20 Not that I know of.</p> <p>21 Q Now, how did you know Melissa --</p> <p>22 Melissa Cantley?</p> <p>23 A She was my -- a friend of my</p>	<p style="text-align: right;">67</p> <p>1 time that you worked there?</p> <p>2 MR. CRUM: Probation with the</p> <p>3 company or probation legally?</p> <p>4 MS. ROBERTSON: Legally for his</p> <p>5 various and sundry rapes and sodomies.</p> <p>6 MR. CRUM: Object to the form.</p> <p>7 Were you on criminal probation at the</p> <p>8 time?</p> <p>9 THE WITNESS: I believe so.</p> <p>10 Q Now, you were convicted in 1992</p> <p>11 of these various and sundry things; right?</p> <p>12 MR. CRUM: Object to the form.</p> <p>13 A Yes.</p> <p>14 Q And you were -- you were</p> <p>15 sentenced to 10 years; right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q How many of those years did you</p> <p>18 serve?</p> <p>19 A Four years, one month, and some</p> <p>20 days.</p> <p>21 Q And how did you get out?</p> <p>22 A I have no idea. For real. I</p> <p>23 really -- I mean, I know I got out on</p>
<p style="text-align: right;">66</p> <p>1 brother's.</p> <p>2 Q How much younger was she than</p> <p>3 you?</p> <p>4 A I couldn't -- I don't remember.</p> <p>5 Q Let's go back. You were telling</p> <p>6 me where you worked. You said you -- you</p> <p>7 got fired from Dairy Fresh for being late.</p> <p>8 A Yes, ma'am.</p> <p>9 Q I mean, was it once or twice or a</p> <p>10 lot?</p> <p>11 A It was five times.</p> <p>12 Q And were -- why were you late?</p> <p>13 A I just couldn't wake up. It was</p> <p>14 a 1 o'clock a.m. shift.</p> <p>15 Q Now, how long did you work there</p> <p>16 before you got fired?</p> <p>17 A I can't remember.</p> <p>18 Q Had you been working that same</p> <p>19 shift the whole time?</p> <p>20 A I don't remember.</p> <p>21 Q How long did you work there?</p> <p>22 A I don't remember.</p> <p>23 Q Were you on probation during the</p>	<p style="text-align: right;">68</p> <p>1 probation. But how it went about, I have no</p> <p>2 idea.</p> <p>3 Q Did you see a psychiatrist after</p> <p>4 you got out?</p> <p>5 A No, ma'am.</p> <p>6 Q You didn't have a hearing or</p> <p>7 anything?</p> <p>8 A No, ma'am.</p> <p>9 MR. CRUM: Hearing with the</p> <p>10 court.</p> <p>11 A No, ma'am. I got out on</p> <p>12 probation. No, ma'am.</p> <p>13 Q All right. So you got out. I</p> <p>14 guess that was a happy day. You wake up one</p> <p>15 day and said, Oh, go home; right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Were you having any</p> <p>18 communications with your mother -- I mean</p> <p>19 your stepmother and your father during this</p> <p>20 period of time?</p> <p>21 A My mother and father came up --</p> <p>22 tried to come up at least every week, if not</p> <p>23 every other weekend.</p>

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<p style="text-align: right;">69</p> <p>1 Q But you didn't know that anybody</p> <p>2 was trying to get you out of prison?</p> <p>3 A Well, I knew my mother was</p> <p>4 trying, but I didn't know how she was going</p> <p>5 to do it.</p> <p>6 Q How did you know she was trying?</p> <p>7 A Because she said she was trying</p> <p>8 to do everything she can. I don't know what</p> <p>9 but --</p> <p>10 Q Okay. So when you got out of</p> <p>11 prison, you were on probation; is that</p> <p>12 right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q For the rest of your sentence?</p> <p>15 A For five years.</p> <p>16 Q Okay. So you were sentenced in</p> <p>17 '92 to 10 years?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And you got out in 1996 after</p> <p>20 four years; right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And so if you were on probation</p> <p>23 for five more years --</p>	<p style="text-align: right;">71</p> <p>1 Butch?</p> <p>2 A I don't know.</p> <p>3 Q How was it that you came to talk</p> <p>4 to them about how to get a job at Flavor</p> <p>5 House?</p> <p>6 A I had talked to my ex-wife's</p> <p>7 mother and she talked to Bruce for me.</p> <p>8 Q Who was your ex-wife's mother?</p> <p>9 A Ima Jean Thompson.</p> <p>10 Q Is she the one that put the</p> <p>11 warrant out on you?</p> <p>12 A Yes, ma'am.</p> <p>13 Q All right. You were fired at --</p> <p>14 at -- for -- at Dairy Fresh. Where did you</p> <p>15 work next?</p> <p>16 A I'm trying to think. I worked</p> <p>17 through Able Body.</p> <p>18 Q Please try not to fail to make</p> <p>19 eye contact with your lawyer.</p> <p>20 MR. CRUM: Don't listen to her,</p> <p>21 whatever she's -- whatever she's talking</p> <p>22 about.</p> <p>23 A I can't remember. I know I</p>
<p style="text-align: right;">70</p> <p>1 A Five.</p> <p>2 Q -- that means you got off -- you</p> <p>3 were supposed to get off probation in 2001;</p> <p>4 correct?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Look on your application. Did</p> <p>7 you -- that was in 2000; right?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Did you mention to anybody at</p> <p>10 Flavor House that you were still on</p> <p>11 probation for these charges?</p> <p>12 MR. CRUM: Did he say something</p> <p>13 to somebody or is it on the application?</p> <p>14 Q Did you -- is it on the</p> <p>15 application?</p> <p>16 A No, ma'am.</p> <p>17 Q Did you say anything to anybody</p> <p>18 that you were on probation?</p> <p>19 A No, ma'am, not that I realize.</p> <p>20 Q Did your Uncle Bruce know that</p> <p>21 you were on probation?</p> <p>22 A I can't remember.</p> <p>23 Q What about your -- your nephew,</p>	<p style="text-align: right;">72</p> <p>1 worked through some temp jobs, but I can't</p> <p>2 remember exactly where I -- who from. You</p> <p>3 know, I -- I worked.</p> <p>4 MR. CRUM: Do your best to answer</p> <p>5 her questions.</p> <p>6 THE WITNESS: Yeah.</p> <p>7 Q What do you mean you tried to</p> <p>8 work through temp jobs?</p> <p>9 A I worked through temp jobs. I</p> <p>10 just don't remember where they were or --</p> <p>11 it's been a long time.</p> <p>12 Q All right. Well, did you work</p> <p>13 anywhere longer than six months after you</p> <p>14 lost your job at Dairy Fresh and before you</p> <p>15 went to work at --</p> <p>16 A Yes, ma'am.</p> <p>17 Q Where?</p> <p>18 A I worked at Charoen Pokphand.</p> <p>19 Q How long did you work there?</p> <p>20 A I really ain't for sure.</p> <p>21 Q And what is -- what is that</p> <p>22 place?</p> <p>23 A It is a --</p>

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<p style="text-align: right;">73</p> <p>1 MR. CRUM: You need to tell him</p> <p>2 how to spell that, too, if you know.</p> <p>3 THE WITNESS: Oh. Do you know</p> <p>4 how to spell it? It's C-H-A-R-O-E-N,</p> <p>5 P-O-K-H-A-N-D.</p> <p>6 Q I can't even say it. I'm not</p> <p>7 even going to try. What did you -- what --</p> <p>8 what is that place?</p> <p>9 A It's a chicken plant.</p> <p>10 Q All right. And -- and what did</p> <p>11 you do at that place?</p> <p>12 A I started off on sanitation.</p> <p>13 Q What does that mean? What is</p> <p>14 sanitation?</p> <p>15 A Cleaning, cleaning the plant.</p> <p>16 Q Do you know how you got that job?</p> <p>17 A I applied for it.</p> <p>18 Q How did you find out about it?</p> <p>19 A Through the paper in Eufaula.</p> <p>20 Q What did you make when you went</p> <p>21 to work there?</p> <p>22 A I can't remember exactly how</p> <p>23 much.</p>	<p style="text-align: right;">75</p> <p>1 A I don't know how long that was.</p> <p>2 Q Does it sound about right that it</p> <p>3 was in 1998?</p> <p>4 A I have no idea.</p> <p>5 Q Sir?</p> <p>6 A I don't remember.</p> <p>7 Q Did you ever pay any restitution</p> <p>8 as part of your sentence?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Do you remember how much it was?</p> <p>11 A No, ma'am.</p> <p>12 Q Do you remember when you got --</p> <p>13 have you got it paid off?</p> <p>14 A No, ma'am. I'm still paying it.</p> <p>15 Q Still paying for it?</p> <p>16 A Yes, ma'am.</p> <p>17 Q How much do you owe?</p> <p>18 A I don't know, ma'am.</p> <p>19 Q Do you know what the restitution</p> <p>20 was for?</p> <p>21 A No, ma'am.</p> <p>22 Q Do you know if some of it was for</p> <p>23 psychological treatment for your victims?</p>
<p style="text-align: right;">74</p> <p>1 Q How long did you work cleaning</p> <p>2 the plant?</p> <p>3 A I'd say three months.</p> <p>4 Q Do you remember if they asked if</p> <p>5 you had been convicted of any felonies?</p> <p>6 A I can't remember.</p> <p>7 Q Do you remember if they asked you</p> <p>8 if you were on probation for being convicted</p> <p>9 of felonies?</p> <p>10 A I can't remember.</p> <p>11 Q Where did you live when you got</p> <p>12 out of prison the -- when you first got out?</p> <p>13 A At my mother's house.</p> <p>14 Q Your mother, not your stepmother?</p> <p>15 A My mother.</p> <p>16 Q All right. And -- and who -- was</p> <p>17 she married to somebody then?</p> <p>18 A Walter Green.</p> <p>19 Q Walter Green. And how long</p> <p>20 before you had the warrant issued against</p> <p>21 you for contributing to the delinquency of a</p> <p>22 minor?</p> <p>23 MR. CRUM: Object to the form.</p>	<p style="text-align: right;">76</p> <p>1 A I don't know, ma'am.</p> <p>2 Q You weren't told what the</p> <p>3 restitution was for?</p> <p>4 A No, ma'am.</p> <p>5 Q So how long did you stay living</p> <p>6 with your mother after you got out of</p> <p>7 prison?</p> <p>8 A I think I stayed there until -- I</p> <p>9 don't -- I can't remember exactly when I</p> <p>10 left there.</p> <p>11 Q Did -- and no one told you that</p> <p>12 they had represented to the court that they</p> <p>13 were going to get you psychological help</p> <p>14 when you got out?</p> <p>15 A No, ma'am.</p> <p>16 Q How much younger was Ronnie than</p> <p>17 you when you first started having sexual</p> <p>18 intercourse with her?</p> <p>19 A I don't remember.</p> <p>20 Q But she was young enough for her</p> <p>21 mother to have a warrant issued for</p> <p>22 contributing to the delinquency of a minor;</p> <p>23 right?</p>

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<p style="text-align: right;">77</p> <p>1 A I guess so.</p> <p>2 Q And she was young enough for you</p> <p>3 to be convicted of that; right?</p> <p>4 MR. CRUM: Object to the form.</p> <p>5 A I guess. I don't really know.</p> <p>6 Q It doesn't sound like you were</p> <p>7 fully rehabilitated when you got out of</p> <p>8 prison, does it?</p> <p>9 MR. CRUM: Object to the form.</p> <p>10 Q If you were still having sex with</p> <p>11 underaged girls, it doesn't seem like you</p> <p>12 were fully rehabilitated; right?</p> <p>13 MR. CRUM: Object to the form. I</p> <p>14 don't think you can answer that, so</p> <p>15 don't.</p> <p>16 Q Well, that's what -- that -- that</p> <p>17 you were convicted of, for contributing to</p> <p>18 the delinquency of a minor; right?</p> <p>19 MR. CRUM: Was he convicted of</p> <p>20 contributing to the delinquency of a</p> <p>21 minor? You can answer that question.</p> <p>22 A No, ma'am.</p> <p>23 Q You were not?</p>	<p style="text-align: right;">79</p> <p>1 your restitution that you're still paying it</p> <p>2 back?</p> <p>3 MR. CRUM: How much do you pay in</p> <p>4 restitution is the question.</p> <p>5 A I pay \$25 a month, usually.</p> <p>6 Q Usually. What does that mean?</p> <p>7 A Every month I'm supposed to \$25</p> <p>8 month.</p> <p>9 Q Did you miss some of it?</p> <p>10 A I haven't in a long time.</p> <p>11 Q Did you miss some of it at some</p> <p>12 other times?</p> <p>13 A A long time ago.</p> <p>14 Q What was -- what was the reasons</p> <p>15 for you missing it a long time ago?</p> <p>16 A I didn't have it.</p> <p>17 Q Now, were you seeing Ronnie when</p> <p>18 she was 16?</p> <p>19 A I can't recall, ma'am.</p> <p>20 Q Were you date -- you don't recall</p> <p>21 when you started dating her?</p> <p>22 A No, ma'am.</p> <p>23 Q But do you -- did you -- did you</p>
<p style="text-align: right;">78</p> <p>1 A No, ma'am.</p> <p>2 Q What were you -- I thought you</p> <p>3 said you served time in county jail for it</p> <p>4 for 45 days?</p> <p>5 A I was waiting for trial.</p> <p>6 Q You were waiting for trial. What</p> <p>7 happened?</p> <p>8 A It was throwed out.</p> <p>9 Q And why was it thrown out?</p> <p>10 A Because it was wrong. I didn't</p> <p>11 do that.</p> <p>12 Q Did you have a trial?</p> <p>13 A I went in front of the judge and</p> <p>14 she dismissed the case.</p> <p>15 Q You had a trial.</p> <p>16 A I don't know. I don't know,</p> <p>17 ma'am.</p> <p>18 Q Do you know if -- if your</p> <p>19 soon-to-be mother-in-law withdrew the</p> <p>20 charges?</p> <p>21 A I don't know, ma'am.</p> <p>22 Q How much did you say you had been</p> <p>23 paying along to -- in order to -- to pay</p>	<p style="text-align: right;">80</p> <p>1 know her then, her mother, Emma Jean</p> <p>2 Thompson?</p> <p>3 MR. CRUM: Did he know his mother</p> <p>4 -- her mother when he was dating her?</p> <p>5 Q When you started dating her</p> <p>6 daughter.</p> <p>7 A Yes, ma'am.</p> <p>8 Q All right. And did she know you</p> <p>9 were a sex offender?</p> <p>10 MR. CRUM: Object to the form.</p> <p>11 A I don't know, ma'am.</p> <p>12 Q Well, tell me why it is that you</p> <p>13 think she issued -- had this warrant issued</p> <p>14 against you.</p> <p>15 MR. CRUM: Object to the form.</p> <p>16 A I have no idea, ma'am.</p> <p>17 Q Have you never talked to her</p> <p>18 about it?</p> <p>19 A No, ma'am.</p> <p>20 Q You never talked to her about it</p> <p>21 even when you -- when you -- she told you</p> <p>22 you could try to get a job by using Bruce</p> <p>23 Cassady's name?</p>

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<p style="text-align: right;">81</p> <p>1 A No, ma'am.</p> <p>2 Q All right. Now, we're at the</p> <p>3 chicken plant. What did you -- how long did</p> <p>4 you clean the chicken plant?</p> <p>5 MR. CRUM: How long did you work</p> <p>6 there?</p> <p>7 A I worked there for -- I don't</p> <p>8 know -- over a year. I can't remember</p> <p>9 exactly how long.</p> <p>10 Q I heard your lawyer whisper to</p> <p>11 you how long did you work there. I didn't</p> <p>12 ask you that. I asked you were you --</p> <p>13 MR. CRUM: You asked him how long</p> <p>14 he cleaned the chicken plant and your</p> <p>15 unprofessional manner is simply</p> <p>16 inappropriate.</p> <p>17 MS. ROBERTSON: Well, if -- I</p> <p>18 have a reason for asking it that way.</p> <p>19 MR. CRUM: How long he cleaned</p> <p>20 the chicken plant? That could mean how</p> <p>21 long that day. That could mean all</p> <p>22 sorts of different things.</p> <p>23 MS. ROBERTSON: Well, then,</p>	<p style="text-align: right;">83</p> <p>1 A I can't remember exactly when.</p> <p>2 Q Was it two months after you</p> <p>3 started working, a month?</p> <p>4 A Two or three months.</p> <p>5 Q All right. And what position did</p> <p>6 you take out of sanitation, which was in</p> <p>7 fact cleaning the chicken plant; right?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Okay. After you cleaned the</p> <p>10 chicken plant for a while, what position did</p> <p>11 you take?</p> <p>12 A Jumbo deboner.</p> <p>13 Q What?</p> <p>14 A Jumbo deboner.</p> <p>15 Q And what did that involve?</p> <p>16 A Just cutting the chicken to the</p> <p>17 size, what you're supposed to cut them to.</p> <p>18 Q All right. Just hang them up</p> <p>19 there and y'all --</p> <p>20 A They hang them up. I just cut</p> <p>21 it.</p> <p>22 Q You have gloves on --</p> <p>23 A Yes, ma'am.</p>
<p style="text-align: right;">82</p> <p>1 object to it. Don't be telegraphing the</p> <p>2 witness by talking to him under your</p> <p>3 breath. That is what is unprofessional.</p> <p>4 MR. CRUM: I'm not going to --</p> <p>5 MS. ROBERTSON: Thank you very</p> <p>6 much.</p> <p>7 MR. CRUM: -- listen to your</p> <p>8 silliness. I'm not going to let you ask</p> <p>9 questions that are inappropriate.</p> <p>10 BY MS. ROBERTSON:</p> <p>11 Q Did you ever change positions at</p> <p>12 the chicken plant?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Of course. And that's why I was</p> <p>15 asking you. Your lawyer, of course, did not</p> <p>16 know and so he was trying to help you out</p> <p>17 about something. He didn't know what he was</p> <p>18 talking about. What -- when did you change</p> <p>19 positions --</p> <p>20 MR. CRUM: Let her ask you a</p> <p>21 question.</p> <p>22 A Say what, now?</p> <p>23 Q When did you change positions?</p>	<p style="text-align: right;">84</p> <p>1 Q Send them on to somewhere else.</p> <p>2 How long did you hold the position as a</p> <p>3 jumbo deboner?</p> <p>4 A I don't remember.</p> <p>5 Q Did you make more in the deboning</p> <p>6 than you made at the sanitation?</p> <p>7 A Yes, ma'am.</p> <p>8 Q How much more?</p> <p>9 A About 75 cents.</p> <p>10 Q 75 cents an hour?</p> <p>11 A Maybe.</p> <p>12 Q Did you apply for that or did you</p> <p>13 just -- how did you get it?</p> <p>14 A I asked for it.</p> <p>15 Q And how -- did you hold that</p> <p>16 position the entire time you worked there</p> <p>17 after that?</p> <p>18 A No, ma'am.</p> <p>19 Q What -- what was your next</p> <p>20 position?</p> <p>21 A I went to the box room.</p> <p>22 Q I'm sorry?</p> <p>23 A The box room.</p>



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<p style="text-align: right;">85</p> <p>1 Q What is the box room?</p> <p>2 A It's where you just load up the</p> <p>3 boxes that they were going to use on the</p> <p>4 floor.</p> <p>5 Q Huh?</p> <p>6 A You load up boxes on pallets that</p> <p>7 they're going to use on the floor and send</p> <p>8 them down to them.</p> <p>9 Q Does that pay more than the</p> <p>10 deboning?</p> <p>11 A The same.</p> <p>12 Q How did you go from deboning to</p> <p>13 boxing?</p> <p>14 A I put in for it. I bid for</p> <p>15 it.</p> <p>16 Q Do you remember how long you</p> <p>17 worked in the box room?</p> <p>18 A No, ma'am.</p> <p>19 Q Did you have any other positions?</p> <p>20 A Yes, ma'am.</p> <p>21 Q What was your next position?</p> <p>22 A I was supervisor.</p> <p>23 Q You were supervisor?</p>	<p style="text-align: right;">87</p> <p>1 Q Huh?</p> <p>2 A I couldn't remember.</p> <p>3 Q Okay. How long did you work as a</p> <p>4 supervisor?</p> <p>5 A I don't recall, ma'am.</p> <p>6 Q Why did you leave the chicken</p> <p>7 plant?</p> <p>8 A I -- I can't even remember now.</p> <p>9 Q Were you involuntarily</p> <p>10 terminated?</p> <p>11 A I don't remember, ma'am.</p> <p>12 Q Well, you don't remember why you</p> <p>13 left a supervisory job?</p> <p>14 A No, ma'am.</p> <p>15 Q Now, when was that?</p> <p>16 A Maybe in 2000, whenever I moved</p> <p>17 down to Dothan.</p> <p>18 Q So that's a pretty good job for a</p> <p>19 convicted felon, isn't it?</p> <p>20 MR. CRUM: Object to the form.</p> <p>21 You can answer, I guess.</p> <p>22 A Yes, ma'am.</p> <p>23 Q But you don't know why you don't</p>
<p style="text-align: right;">86</p> <p>1 A Yes, ma'am.</p> <p>2 Q How long were you a supervisor?</p> <p>3 A I can't recall.</p> <p>4 Q A week, a month?</p> <p>5 A Longer than that, but I can't</p> <p>6 remember exactly how long.</p> <p>7 Q Now, you worked there what, about</p> <p>8 a total of a year?</p> <p>9 A I don't know. A year to a year</p> <p>10 and a half. I don't remember exactly how</p> <p>11 long.</p> <p>12 Q Did you get a -- were you a lead</p> <p>13 person or a supervisor?</p> <p>14 A I was a supervisor.</p> <p>15 Q Now, how did you get that</p> <p>16 position?</p> <p>17 A I bid for it.</p> <p>18 Q And what was -- did -- had you</p> <p>19 put on your -- did you say to me that you</p> <p>20 put on your application that you had been</p> <p>21 convicted and were on probation?</p> <p>22 MR. CRUM: Object to the form.</p> <p>23 A I can't remember.</p>	<p style="text-align: right;">88</p> <p>1 have that -- didn't have that job anymore;</p> <p>2 right?</p> <p>3 A No, ma'am.</p> <p>4 Q Now, where is the chicken plant?</p> <p>5 A It's in Baker Hill.</p> <p>6 Q Baker Hill? Where is that near?</p> <p>7 A Eufaula.</p> <p>8 Q And were you living in Eufaula at</p> <p>9 the time?</p> <p>10 A No, ma'am. I was living in Baker</p> <p>11 Hill.</p> <p>12 Q Did you have any period of</p> <p>13 unemployment after you -- you left the</p> <p>14 chicken plant?</p> <p>15 A Not long.</p> <p>16 Q About how long?</p> <p>17 A A month, maybe two. Maybe.</p> <p>18 Q Maybe what? Two what?</p> <p>19 A A month, maybe two.</p> <p>20 Q Oh, I see. And where did you</p> <p>21 work then?</p> <p>22 A I went to Nutcracker. Well, it</p> <p>23 was called Flavor House Foods, Flavor House.</p>

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<p style="text-align: right;">89</p> <p>1 Q What were you making as a</p> <p>2 supervisor at the chicken plant?</p> <p>3 A 26,000 a year.</p> <p>4 Q Do you know how much that breaks</p> <p>5 down an hour?</p> <p>6 A No, ma'am.</p> <p>7 Q Was it more than you started off</p> <p>8 at at the Nutcracker -- I mean Nut Flavor --</p> <p>9 excuse me -- Flavor House?</p> <p>10 A I don't know.</p> <p>11 Q Did you have to report to your</p> <p>12 probation officer that you were leaving the</p> <p>13 chicken plant?</p> <p>14 A I don't know, ma'am.</p> <p>15 Q You don't know whether you had to</p> <p>16 report a change in jobs to your probation</p> <p>17 officer?</p> <p>18 A At that time, no, ma'am.</p> <p>19 Q At that time you -- well, do you</p> <p>20 know now?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And what -- what -- what is the</p> <p>23 answer now?</p>	<p style="text-align: right;">91</p> <p>1 don't know whether or not to keep your</p> <p>2 freedom you had to report a change in job</p> <p>3 status?</p> <p>4 A I don't know.</p> <p>5 Q Huh?</p> <p>6 A I don't know, ma'am. I don't</p> <p>7 recall, ma'am.</p> <p>8 Q Well, were you told what your</p> <p>9 conditions of probation were?</p> <p>10 A I can't remember that. I can't</p> <p>11 remember.</p> <p>12 Q Worked at Flavor House and they</p> <p>13 have this problem with people who work</p> <p>14 there. They lose their memory.</p> <p>15 MS. SWAIN: Objection.</p> <p>16 MR. CRUM: Let her ask you a</p> <p>17 question.</p> <p>18 Q You might want to sue them for</p> <p>19 it.</p> <p>20 MR. CRUM: Have you got a -- is</p> <p>21 that a question?</p> <p>22 MS. ROBERTSON: No. I'm just --</p> <p>23 I'm just talking about litigation</p>
<p style="text-align: right;">90</p> <p>1 A Yes.</p> <p>2 MR. CRUM: Object to the form of</p> <p>3 the question.</p> <p>4 A Yes, you're supposed to report to</p> <p>5 the probation officer.</p> <p>6 Q Now, in 1998 when you were</p> <p>7 revoked, one of the reasons was because you</p> <p>8 had changed residence and failed to report</p> <p>9 it; correct?</p> <p>10 A I guess so, ma'am.</p> <p>11 Q And failed to report that month</p> <p>12 to the probation officer; right?</p> <p>13 MR. CRUM: You need to answer on</p> <p>14 what you know.</p> <p>15 A I don't know, ma'am. I really</p> <p>16 don't know why I was revoked.</p> <p>17 Q Now, being on probation and</p> <p>18 getting revoked is the difference between</p> <p>19 walking the streets a free person and being</p> <p>20 in -- in prison; right?</p> <p>21 MR. CRUM: Object to the form.</p> <p>22 A Yes, ma'am.</p> <p>23 Q And you're telling me that you</p>	<p style="text-align: right;">92</p> <p>1 amnesia.</p> <p>2 MR. CRUM: Okay.</p> <p>3 BY MS. ROBERTSON:</p> <p>4 Q What was your first position at</p> <p>5 Flavor House?</p> <p>6 A I was a label operator.</p> <p>7 Q A label operator?</p> <p>8 A Well, a machine operator.</p> <p>9 Q So you went from off the street</p> <p>10 to a label operator?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Did you have to take any skill</p> <p>13 test?</p> <p>14 A No, ma'am.</p> <p>15 Q Did you have any experience in</p> <p>16 being a label operator?</p> <p>17 A No, ma'am.</p> <p>18 Q Now, what is involved in being a</p> <p>19 label operator?</p> <p>20 A Just making sure the machine runs</p> <p>21 right and the label goes on the can</p> <p>22 properly.</p> <p>23 Q Well, the jurors probably don't</p>

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<p style="text-align: right;">93</p> <p>1 know much about this. I know I don't.  2 What -- what are you doing out there at  3 Flavor House that you have to put labels on?  4 A Peanuts, cans of peanuts.  5 Q And the label operator is the  6 person that makes sure the machine that  7 slaps the label on the can, jar, or what  8 have you does it right?  9 A Yes, ma'am.  10 Q All right. Now, what is involved  11 in making sure that all happens?  12 A It's -- you just make sure you  13 set it up to the standard of the can you're  14 running, make sure the light blue and the  15 coal blue is right.  16 Q You're going to have to speak up  17 or speak more clearly or something.  18 A All right. I'm sorry. You have  19 to set the machine up right, make sure it's  20 set up to the can that you're running.  21 Q See, I don't know what that  22 means. What do you mean "set it up"?  23 A I don't know how to explain what</p>	<p style="text-align: right;">95</p> <p>1 in making sure that it runs right?  2 A It has to be on the bottom of  3 the -- the bottom of the can. You have to  4 actually make sure all your belts are tight.  5 If something was wrong, you've got to  6 troubleshoot the problem yourself. If it's  7 the rails are wrong, the wheels are wrong,  8 that's your job to make sure it's right.  9 Q And you went to doing that just  10 off the street?  11 A I was trained.  12 Q Who trained you?  13 A I can't remember his name.  14 Q Was he a young fellow, an old  15 fellow?  16 A I don't remember.  17 Q Was he still out there when you  18 left?  19 A No, ma'am.  20 Q Do you know why he left?  21 A No, ma'am.  22 Q All right. How long -- was there  23 any particular machine you were label</p>
<p style="text-align: right;">94</p> <p>1 you want me to explain.  2 Q Well, I mean, are you talking  3 about you build it like a tinker toy or are  4 you talking about you -- I -- what do you do  5 to set it up?  6 A You just turn about three screws  7 and -- well, one screw up top. Set the  8 rails up with two screws on each rail on the  9 bottom. Turn one more screw to match the  10 size.  11 Q Okay. And what does all that do?  12 A That makes sure the can can go  13 through the machine.  14 Q Okay. So it establishes some  15 sort of calibers for the -- for the label  16 and the --  17 A No. Just make sure the can can  18 roll through the machine.  19 Q Okay. And then what do you do?  20 A You put the labels in, you let it  21 up, and you run a can to make sure it runs  22 right.  23 Q All right. And what is entailed</p>	<p style="text-align: right;">96</p> <p>1 operating on?  2 A I was on line 3 label machine.  3 Line 3 label machine.  4 Q Well, I mean, don't they have,  5 like, jar lines and can lines and --  6 A Yes, ma'am.  7 Q All right. What kind of line  8 were you on?  9 A Can line.  10 Q Who was your super -- immediate  11 supervisor?  12 A If I'm not mistaken, it was  13 Griff. I don't know his last name because  14 it's been so long ago.  15 Q Was he the person that trained  16 you?  17 A No, ma'am.  18 Q And -- and was your uncle the  19 person over -- the manager or supervisor  20 over the label operators?  21 A That's what they had said. He  22 was over the label operators.  23 Q Okay. Look on Plaintiff's</p>

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<p style="text-align: right;">97</p> <p>1 Exhibit Number 10 where it says, Are you 2 related to anyone employed by this company? 3 A Yes, ma'am. 4 Q And your answer was? 5 A No. 6 Q Was that true or false? 7 A Well, I don't know how to answer 8 that, ma'am, because I'm really not related 9 to him. My wife was, ma'am. 10 Q Well, you were related to him by 11 marriage. 12 A Okay. 13 Q But you were related to him; 14 correct? 15 MS. SWAIN: Objection. 16 MR. CRUM: Object to the form. 17 Q Right? 18 A Okay, ma'am. 19 Q Well, when I asked you did -- 20 were you -- at the beginning of this 21 deposition were you related to Bruce 22 Cassady, you -- yes, sir, I -- he was my 23 uncle. He's my uncle.</p>	<p style="text-align: right;">99</p> <p>1 blood or marriage? 2 A I -- I don't consider him -- I 3 mean, he was just a guy. 4 Q But he was the person over the 5 label operators? 6 A I guess that's right, ma'am. 7 Q So was he Griff's supervisor? 8 A Not that I'm aware of. I really 9 don't know. 10 Q Well, do you know who -- what the 11 chain of command was in the department? 12 A Not when I first started out 13 there, no, ma'am, I did not. 14 Q Now, how long did you stay a 15 label operator on the can line? 16 A Four years. Something. I stayed 17 on the same machine until I moved. 18 Q When did you move? 19 A In 2005, 2006, somewhere around 20 in there. It was 2005, if I'm not mistaken. 21 Q And where did you move? 22 A I went to line two roaster. 23 Q Did you take any skill for pay</p>
<p style="text-align: right;">98</p> <p>1 MS. SWAIN: Objection. 2 MR. CRUM: That's not what he 3 said. 4 MS. ROBERTSON: You're 5 mischaracterizing his testimony. That's 6 not what he testified to. 7 MR. CRUM: Don't say it. Don't 8 answer anything. 9 THE WITNESS: I'm not. 10 BY MS. ROBERTSON: 11 Q Okay. So -- but I asked you were 12 you related to him and you told me yes; 13 right? 14 MR. CRUM: Did you say are you 15 related to him? I don't know what her 16 -- I object. 17 A If I'm not mistaken, I told her 18 that was my wife's uncle. That's what I 19 said. My ex-wife's uncle. I did not say I 20 was related to him. I said he was my 21 ex-wife's uncle. 22 Q Okay. Whatever. So you didn't 23 consider him -- you were related to him by</p>	<p style="text-align: right;">100</p> <p>1 test? 2 A To do what? For what? 3 Q At any time out there while you 4 were being a label operator. 5 MR. CRUM: Did you ever take a 6 skill for pay test? 7 A Not that I know of, ma'am. I 8 can't remember. 9 Q Did you get -- huh? 10 A I can't remember, ma'am. 11 Q And you were a label operator on 12 the can line for four years or so; is that 13 right? 14 A Something like that. 15 Q And then where did you go? 16 A To line two roaster. 17 Q And what did you do there? 18 A I cooked dry roasted peanuts. 19 Q Did you get pay -- more pay as a 20 roaster? 21 A Yes, ma'am. 22 Q How did you get that job? 23 A I bided on the job.</p>

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<p style="text-align: right;">101</p> <p>1 Q And did they have, like, an 2 application process? 3 A I don't recall, ma'am. 4 Q Well, when you say you bided on 5 it, how did that process work? 6 A They showed a job on the board 7 and you signed up for it. 8 Q Do you know what the criteria for 9 you getting it was? 10 A No, ma'am. 11 Q Like, were you told whether 12 seniority counted? 13 A I can't remember now. 14 Q Skill level counted? 15 A I don't remember, ma'am. 16 Q Do you remember how much more you 17 made as a roaster than as a label operator? 18 A Not really. 19 Q How long did you stay as a 20 roaster? 21 A For two months. 22 Q Who was your boss as a roaster? 23 MR. CRUM: Are you saying his</p>	<p style="text-align: right;">103</p> <p>1 why you can't remember who it is, he left 2 the company? 3 A I can't remember his name. He 4 wasn't there long. 5 Q Well, did you know him? Were you 6 on speaking terms with him? 7 A He was high up in the company. 8 Everybody was on speaking terms with him. I 9 don't -- I just can't remember the man's 10 name. 11 Q Do you know how he decided that 12 you should become the temporary whatever, 13 supervisor? 14 A I bided on the job and got the 15 job. 16 Q So that was a job that was posted 17 also? 18 A Well, yes, ma'am. 19 Q And -- but you don't know what 20 the criteria was? 21 A I can't remember now. 22 Q Were you interviewed for the job? 23 A No, ma'am.</p>
<p style="text-align: right;">102</p> <p>1 direct supervisor? 2 A I can't remember who it was at 3 the time. 4 Q Okay. Now, this was in -- 5 between -- 6 A I know, but I can't remember at 7 the time. Sorry. 8 Q I don't want to know what you can 9 remember at the time. I mean I want to know 10 what you remember now. 11 A I can't remember now who it was 12 then. I'm sorry. 13 Q That sounds like a good first 14 line for a country music song. So what -- 15 so what happened after two months at the 16 roaster? 17 A I was offered the position as a 18 temporary supervisor over the gift pack 19 line. 20 Q And who offered you that job? 21 A I can't remember his name. He -- 22 he's done left the company. 23 Q And that's your explanation for</p>	<p style="text-align: right;">104</p> <p>1 Q Do you know how many other people 2 bided for the job? 3 A Somebody else had it before I got 4 it, ma'am, so I don't know who else bid it. 5 Q That was apropos of nothing. Do 6 you know how many other people bided on the 7 job? 8 A No, ma'am. 9 MR. CRUM: Just -- just answer 10 her question. 11 A Sure don't. 12 MR. CRUM: Just answer her 13 question. That's all right. We've been 14 here a long time. 15 Q I take it the job had been 16 vacated for some reason or other; right? 17 A I have no idea, ma'am. 18 Q Well, what kind -- now, tell me 19 the title again. I forgot. Temporary 20 something supervisor. 21 A Temporary supervisor over gift 22 pack. 23 Q Okay. And what did -- what did</p>



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<p style="text-align: right;">105</p> <p>1 you -- what did they do over in gift pack?</p> <p>2 A They put peanuts in a -- like a</p> <p>3 three-pack gift pack that they sell at</p> <p>4 Wal-Mart or something.</p> <p>5 Q Did you have any experience</p> <p>6 working in that department?</p> <p>7 A No, ma'am.</p> <p>8 Q Had you acted as a temporary</p> <p>9 supervisor anywhere else in that plant?</p> <p>10 A No, ma'am.</p> <p>11 Q Do you have any idea why anybody</p> <p>12 would have decided you were supervisor</p> <p>13 material?</p> <p>14 A No, ma'am.</p> <p>15 Q Do you know if there were any</p> <p>16 qualifications about whether you could have</p> <p>17 any write-ups in your file in order to hold</p> <p>18 that position?</p> <p>19 A I don't know, ma'am.</p> <p>20 Q All right. How long did that job</p> <p>21 last?</p> <p>22 A Four months.</p> <p>23 Q Did you make more money at that</p>	<p style="text-align: right;">107</p> <p>1 A No, ma'am.</p> <p>2 Q Do you know if you were at the</p> <p>3 top of the pay range for the label</p> <p>4 operators?</p> <p>5 A I don't know, ma'am.</p> <p>6 Q Well, you seem to have a very</p> <p>7 little information about a lot of stuff out</p> <p>8 there. What made you be qualified as the</p> <p>9 team leader?</p> <p>10 A I don't know.</p> <p>11 MR. CRUM: Object to the form.</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A I don't know.</p> <p>14 Q Well, I will just withdraw</p> <p>15 that -- that editorializing, although that's</p> <p>16 what I think. What were your qualifications</p> <p>17 to be a team leader?</p> <p>18 A I had been on line three, four,</p> <p>19 four and a half years. I had ran the label</p> <p>20 machine, worked with Stephanie on a</p> <p>21 filler -- ran it or every part of the -- of</p> <p>22 the machines back there and then figure I</p> <p>23 had more understanding of the line. And I</p>
<p style="text-align: right;">106</p> <p>1 job?</p> <p>2 A Yes, ma'am.</p> <p>3 Q How much more money?</p> <p>4 A I think it was \$2.25 more.</p> <p>5 Q And I guess by the very title</p> <p>6 being temporary, was it a seasonal job is</p> <p>7 the reason it was temporary?</p> <p>8 A Yes, ma'am.</p> <p>9 Q All right. What happened after</p> <p>10 the season was over?</p> <p>11 A I went to be the team leader on</p> <p>12 line three.</p> <p>13 Q All right. And during the -- the</p> <p>14 time -- and you don't remember taking any</p> <p>15 skill level test at all at -- at Flavor</p> <p>16 House?</p> <p>17 A I don't remember.</p> <p>18 Q Do you know what skill that</p> <p>19 you -- whether you were rated as a -- a</p> <p>20 label operator, what level?</p> <p>21 A I don't know, ma'am.</p> <p>22 Q Did -- nobody ever mentioned it</p> <p>23 to you?</p>	<p style="text-align: right;">108</p> <p>1 could probably help the line, get it</p> <p>2 running.</p> <p>3 Q Were you ever given an evaluation</p> <p>4 as -- as a label operator or roaster where</p> <p>5 your attitude was mentioned to be bad?</p> <p>6 A I can't remember, ma'am.</p> <p>7 Q You don't remember if anybody</p> <p>8 ever wrote -- wrote you an evaluation that</p> <p>9 you had a bad attitude?</p> <p>10 A I don't remember, ma'am.</p> <p>11 Q Did you have a bad attitude?</p> <p>12 MR. CRUM: Object to the form.</p> <p>13 A Not that I can recall.</p> <p>14 Q Wait, wait just one minute.</p> <p>15 MS. ROBERTSON: What is wrong</p> <p>16 with the form of that?</p> <p>17 MR. CRUM: Did he have a bad</p> <p>18 attitude when about what? I mean, it's</p> <p>19 just a vague general question that means</p> <p>20 nothing. That's my objection. If you</p> <p>21 want me to state it, I'd be happy to.</p> <p>22 MS. ROBERTSON: Okay. That's for</p> <p>23 him to tell me if he doesn't understand,</p>

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<p style="text-align: right;">109</p> <p>1 not for you to talk about.</p> <p>2 MR. CRUM: I objected to the form</p> <p>3 of the question.</p> <p>4 BY MS. ROBERTSON:</p> <p>5 Q Did you have a bad attitude out</p> <p>6 there?</p> <p>7 A Not that I recall, ma'am.</p> <p>8 Q So that if somebody else recalls</p> <p>9 otherwise, you wouldn't have any way of</p> <p>10 refuting it; right?</p> <p>11 MR. CRUM: Object to the form of</p> <p>12 the question.</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A I don't remember that, ma'am.</p> <p>15 Q So my -- my question is correct.</p> <p>16 If you don't remember it and somebody else</p> <p>17 remembers that you had a bad attitude, you</p> <p>18 would have no way of refuting it because</p> <p>19 you --</p> <p>20 MR. CRUM: Don't answer it.</p> <p>21 Q -- don't remember; correct?</p> <p>22 MS. SWAIN: Objection.</p> <p>23 MR. CRUM: I'm instructing him</p>	<p style="text-align: right;">111</p> <p>1 suppose.</p> <p>2 A I don't think there would be</p> <p>3 nobody out there to tell you that. Sorry.</p> <p>4 Q But if there was, would you have</p> <p>5 any way to refute it since you can't</p> <p>6 remember?</p> <p>7 MR. CRUM: Object to the form.</p> <p>8 A I don't know, ma'am.</p> <p>9 Q What do you mean "I don't know"?</p> <p>10 A I don't know.</p> <p>11 MR. CRUM: Object to the form.</p> <p>12 Q Do you not understand the</p> <p>13 question?</p> <p>14 MR. CRUM: Object to the form.</p> <p>15 A Yes, ma'am.</p> <p>16 Q Yes, ma'am, you don't understand</p> <p>17 the question?</p> <p>18 MR. CRUM: That's what he said.</p> <p>19 A I do.</p> <p>20 MR. CRUM: Let her ask you a</p> <p>21 question.</p> <p>22 A Yes, ma'am.</p> <p>23 Q You do understand the question?</p>
<p style="text-align: right;">110</p> <p>1 not to answer that. It's not even a</p> <p>2 question. It's just rambling --</p> <p>3 MS. ROBERTSON: It is -- no, no.</p> <p>4 You --</p> <p>5 MR. CRUM: It's a double negative</p> <p>6 on top of it.</p> <p>7 MS. ROBERTSON: You've stated</p> <p>8 your objection.</p> <p>9 BY MS. ROBERTSON:</p> <p>10 Q Now, answer my question.</p> <p>11 MR. CRUM: I'm telling him not</p> <p>12 to. You can restate the question or you</p> <p>13 can do whatever you want to.</p> <p>14 MS. ROBERTSON: Will you mark</p> <p>15 that, goldfish?</p> <p>16 MR. CRUM: Sure, you can.</p> <p>17 BY MS. ROBERTSON:</p> <p>18 Q If somebody else says you had a</p> <p>19 bad attitude out there, would you have any</p> <p>20 way to refute it?</p> <p>21 MR. CRUM: Object to the form.</p> <p>22 MS. SWAIN: Objection.</p> <p>23 MR. CRUM: You can answer, I</p>	<p style="text-align: right;">112</p> <p>1 MR. CRUM: Well, I had asked you</p> <p>2 to state a question. You're just</p> <p>3 sitting here --</p> <p>4 MS. ROBERTSON: Please quit it.</p> <p>5 MR. CRUM: -- arguing with the</p> <p>6 witness. I'm not going to quit</p> <p>7 objecting to these things that aren't</p> <p>8 even questions. We're asking you to</p> <p>9 state a question. It's not -- not</p> <p>10 complicated.</p> <p>11 BY MS. ROBERTSON:</p> <p>12 Q If someone said you had a bad</p> <p>13 attitude, would you have any way, any</p> <p>14 evidence, to refute that?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 MR. CRUM: Object to the form of</p> <p>17 the question.</p> <p>18 A I can't refute nothing because I</p> <p>19 don't know, ma'am. I don't know, ma'am. I</p> <p>20 don't know.</p> <p>21 Q What do you mean you don't know?</p> <p>22 A I don't know if I can or not. I</p> <p>23 don't know. I'm sorry.</p>

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<p style="text-align: right;">113</p> <p>1 Q Were you ever written up for</p> <p>2 anything at the plant?</p> <p>3 A I suppose so.</p> <p>4 Q What do you remember being</p> <p>5 written up for?</p> <p>6 A There was two occasions that I</p> <p>7 can recall.</p> <p>8 Q Okay. And those occasions were</p> <p>9 what?</p> <p>10 A One for being in conflict with</p> <p>11 Linda Thornton. The other one was being in</p> <p>12 conflict with Joanie Nickerson.</p> <p>13 Q Is that what the write-up was,</p> <p>14 being in conflict with them?</p> <p>15 A Yes, ma'am, or not --</p> <p>16 Q Huh?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Okay. Was it having anything to</p> <p>19 do with cursing or using profanity?</p> <p>20 A On one of them, yes, ma'am.</p> <p>21 Q On only one of them?</p> <p>22 A Yes, ma'am.</p> <p>23 Q All right. Which one was that?</p>	<p style="text-align: right;">115</p> <p>1 A I think it was August, I think,</p> <p>2 or it might have been --</p> <p>3 Q But it was after these two</p> <p>4 write-ups; right?</p> <p>5 A Yes, ma'am.</p> <p>6 MR. CRUM: Make sure you answer</p> <p>7 what you know.</p> <p>8 THE WITNESS: It was after all of</p> <p>9 them.</p> <p>10 Q How did you get the job for the</p> <p>11 temporary gift package supervisor the second</p> <p>12 time?</p> <p>13 A I bid on it.</p> <p>14 Q You had to bid again?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Do you know if anyone else bid</p> <p>17 on it?</p> <p>18 A No, ma'am, I do not.</p> <p>19 Q What do you remember about the</p> <p>20 write-up that involved Jonnie Nickerson?</p> <p>21 A I can't remember, ma'am.</p> <p>22 Q Did you in fact use curse words</p> <p>23 in the presence of Jonnie Nickerson?</p>
<p style="text-align: right;">114</p> <p>1 A The one with Linda Thornton.</p> <p>2 Q So the -- the accusation that</p> <p>3 Jonnie made, Jonnie Nickerson, did not</p> <p>4 involve you cursing her?</p> <p>5 A Not that I can remember.</p> <p>6 Q And how far apart were those two</p> <p>7 write-ups?</p> <p>8 A I don't recall, ma'am.</p> <p>9 Q About a month?</p> <p>10 A I don't remember, ma'am.</p> <p>11 Q Was it soon after that that you</p> <p>12 got the temporary gift pack job back?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A I don't remember.</p> <p>15 Q Huh?</p> <p>16 A I don't know what --</p> <p>17 Q But you did get that job back?</p> <p>18 A I don't know what you're asking</p> <p>19 me.</p> <p>20 Q Did -- the temporary gift pack</p> <p>21 supervisor, did you have that job again?</p> <p>22 A In 2007, yes, ma'am.</p> <p>23 Q Okay. And when in 2007?</p>	<p style="text-align: right;">116</p> <p>1 A No, ma'am, not that I can recall.</p> <p>2 Q Now, was Jonnie Nickerson on line</p> <p>3 three?</p> <p>4 A Sometimes, ma'am.</p> <p>5 Q And was she on line three after</p> <p>6 Linda Thornton left?</p> <p>7 A I can't remember, ma'am.</p> <p>8 Q You don't remember that she came</p> <p>9 to line three at or about the time you</p> <p>10 received the write-up involving Linda</p> <p>11 Thornton?</p> <p>12 A I don't remember, ma'am.</p> <p>13 MS. ROBERTSON: Let's take a</p> <p>14 five-minute break.</p> <p>15 THE VIDEOGRAPHER: Off at 4:28.</p> <p>16 (Whereupon, a short break was taken.)</p> <p>17 THE VIDEOGRAPHER: Back on at</p> <p>18 4:42.</p> <p>19 BY MS. ROBERTSON:</p> <p>20 Q I'll show you what's been marked</p> <p>21 as Exhibit --</p> <p>22 THE COURT REPORTER: 16.</p> <p>23 MS. ROBERTSON: 16?</p>

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<p style="text-align: right;">117</p> <p>1 THE COURT REPORTER: Uh-huh.</p> <p>2 MS. ROBERTSON: Did I start over</p> <p>3 for him? I did, didn't I?</p> <p>4 THE COURT REPORTER: No, you</p> <p>5 didn't.</p> <p>6 MS. SWAIN: No.</p> <p>7 MS. ROBERTSON: Oh, good. That's</p> <p>8 good.</p> <p>9 THE COURT REPORTER: You started</p> <p>10 with 15.</p> <p>11 MS. ROBERTSON: That makes my</p> <p>12 life so much better.</p> <p>13 (Plaintiff's Exhibit Number</p> <p>14 16 was marked for identification</p> <p>15 and attached to the deposition.)</p> <p>16 BY MS. ROBERTSON:</p> <p>17 Q I'll show you what's been marked</p> <p>18 as Plaintiff's Exhibit Number 16 and ask</p> <p>19 you -- after I show it to your lawyer, and</p> <p>20 ask you to look at that for me, please, sir.</p> <p>21 A (Witness complied.)</p> <p>22 Q Now, what is that, sir?</p> <p>23 A It's a write-up.</p>	<p style="text-align: right;">119</p> <p>1 A (Witness complied.)</p> <p>2 Q Do you know what that is, please,</p> <p>3 sir?</p> <p>4 A I have -- it says documentation</p> <p>5 form, ma'am.</p> <p>6 Q Do you know that's what brought</p> <p>7 the -- the incident to the attention of</p> <p>8 management that led to Plaintiff's Exhibit</p> <p>9 Number 16?</p> <p>10 A No, ma'am.</p> <p>11 Q Do you see where she says you</p> <p>12 were cursing?</p> <p>13 A I see it, ma'am.</p> <p>14 Q Did anybody ever ask you if you</p> <p>15 had been cursing at or around Jonnie</p> <p>16 Nickerson?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Who asked you that?</p> <p>19 A Tommy Nance.</p> <p>20 Q Okay. And what did you tell him?</p> <p>21 A I did not.</p> <p>22 Q What did you tell him?</p> <p>23 A That we was fussing about the</p>
<p style="text-align: right;">118</p> <p>1 Q For what?</p> <p>2 A Let me read it, now.</p> <p>3 Q Sure.</p> <p>4 A It's for having an altercation</p> <p>5 with Jonnie Nickerson.</p> <p>6 Q Well, I mean, does it say for</p> <p>7 losing your temper?</p> <p>8 A It says for rude and intimidating</p> <p>9 and disrespectful attitude.</p> <p>10 Q Okay. Do you recall what</p> <p>11 circumstances led up to you getting that</p> <p>12 write-up?</p> <p>13 A No, ma'am, I really don't.</p> <p>14 Q Did you agree with that write-up?</p> <p>15 A I signed it, yes, ma'am.</p> <p>16 (Plaintiff's Exhibit Number</p> <p>17 17 was marked for identification</p> <p>18 and attached to the deposition.)</p> <p>19 BY MS. ROBERTSON:</p> <p>20 Q Now, I'll show you what's been</p> <p>21 marked as Plaintiff's Exhibit Number 17 and</p> <p>22 ask you -- I know this a little hard to</p> <p>23 read, but take a look at it, please, sir.</p>	<p style="text-align: right;">120</p> <p>1 label machine because it wasn't running.</p> <p>2 Q But you told him you did not</p> <p>3 curse?</p> <p>4 A No, ma'am.</p> <p>5 Q Do you know if Jonnie Nickerson</p> <p>6 got a write-up for this incident?</p> <p>7 A I have no idea, ma'am.</p> <p>8 MR. CRUM: Make sure she finishes</p> <p>9 her question.</p> <p>10 THE WITNESS: Okay.</p> <p>11 Q But you told Tommy Nance that you</p> <p>12 didn't curse her?</p> <p>13 A Yes, ma'am.</p> <p>14 (Plaintiff's Exhibit Number</p> <p>15 18 was marked for identification</p> <p>16 and attached to the deposition.)</p> <p>17 BY MS. ROBERTSON:</p> <p>18 Q I'll show you what's been marked</p> <p>19 as Plaintiff's Exhibit Number 18 and ask you</p> <p>20 to look at that.</p> <p>21 A (Witness complied.)</p> <p>22 Q Do you know what that is?</p> <p>23 A That's my documentation form.</p>



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<p style="text-align: right;">121</p> <p>1 Q Of the same incident</p> <p>2 Ms. Wilkerson -- Nickerson was talking</p> <p>3 about?</p> <p>4 A Yes, ma'am.</p> <p>5 Q All right. And how did you come</p> <p>6 to make that documentation?</p> <p>7 A Because I guess that's what</p> <p>8 happened, ma'am. I can't remember exactly</p> <p>9 what happened.</p> <p>10 Q No, no, no. I'm asking you</p> <p>11 what -- what led to you writing that down.</p> <p>12 A My supervisor told me to write</p> <p>13 down what I put because of what happened.</p> <p>14 Q All right. Who was your</p> <p>15 supervisor?</p> <p>16 A Chris Jordan.</p> <p>17 Q Well, how was it you knew what he</p> <p>18 was talking about to write down what</p> <p>19 happened?</p> <p>20 A Because we had gotten in an</p> <p>21 argument about the label machine and Bruce</p> <p>22 was standing right there with me so I knew.</p> <p>23 Q Bruce who?</p>	<p style="text-align: right;">123</p> <p>1 curse at her or in front of her?</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 A Because the label machine wasn't</p> <p>4 working and me and Bruce was trying to get</p> <p>5 it fixed. I'm guessing. That's what I read</p> <p>6 in here, ma'am. I -- it's been too long to</p> <p>7 even think about it.</p> <p>8 Q Well, read it again because I'm</p> <p>9 trying to find out -- you took a write-up</p> <p>10 that you said you took because you were</p> <p>11 guilty of it; right?</p> <p>12 A I was guilty for talking to her</p> <p>13 wrong like just speaking, being rude or</p> <p>14 something like that, telling her that she</p> <p>15 needed to do that. I accepted that because</p> <p>16 I shouldn't have been talking like that.</p> <p>17 But cursing, no, ma'am. You didn't see that</p> <p>18 in this paper.</p> <p>19 Q Okay. So -- so were you told</p> <p>20 that she had alleged that you had cursed?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And -- and you said she wasn't</p> <p>23 telling the truth?</p>
<p style="text-align: right;">122</p> <p>1 A Cassady.</p> <p>2 Q He was your supervisor?</p> <p>3 A No, ma'am.</p> <p>4 Q Okay. Well -- so Bruce was</p> <p>5 standing right there?</p> <p>6 A He was there when it happened.</p> <p>7 Q All right. I don't see where you</p> <p>8 listed him as a witness. Did you list him</p> <p>9 as a witness?</p> <p>10 A I put that me and Bruce was</p> <p>11 working on the label machine.</p> <p>12 Q Oh, okay. But where it says</p> <p>13 people that were present or were witnesses,</p> <p>14 I don't see where you put Mr. Cassady's name</p> <p>15 at all.</p> <p>16 A I don't remember. I don't</p> <p>17 know -- I don't know why --</p> <p>18 Q Well, I know. Look at the</p> <p>19 document.</p> <p>20 A -- I didn't do it. Sorry.</p> <p>21 Q All right. So and -- and --</p> <p>22 and -- well, what kind of disagreement did</p> <p>23 you and Ms. Jonnie have if it wasn't to</p>	<p style="text-align: right;">124</p> <p>1 A Yes, ma'am.</p> <p>2 Q Okay. Do you have any reason</p> <p>3 to -- why that she would have lied on you?</p> <p>4 A I don't know, ma'am.</p> <p>5 Q Do you have any -- I mean, do you</p> <p>6 -- you don't have any notion?</p> <p>7 A No, ma'am.</p> <p>8 MR. CRUM: Object to the form.</p> <p>9 Q Well, do you know if it was the</p> <p>10 policy at Flavor House to write both people</p> <p>11 up had all -- who had altercations?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 MR. CRUM: Object to the form.</p> <p>14 A I don't know.</p> <p>15 Q Huh?</p> <p>16 A I don't know, ma'am.</p> <p>17 Q Well, it implies that you lost</p> <p>18 your temper. Were you hollering at Jonnie?</p> <p>19 A I don't remember, ma'am.</p> <p>20 Q But you -- you remember that you</p> <p>21 weren't cursing. Is that all you can</p> <p>22 remember about the incident?</p> <p>23 MR. CRUM: Object to the form.</p>



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1 A I can't remember.  
 2 Q Well, what can you remember?  
 3 Tell me what you can remember.  
 4 A Not much of anything, ma'am.  
 5 Q So how is it that you remember  
 6 that you didn't curse her?  
 7 A I don't know. I know I didn't.  
 8 That's all I can say.  
 9 Q But you have no independent  
 10 memory of what happened?  
 11 A I didn't curse her, ma'am.  
 12 Q Okay. Now, you notice the date  
 13 on that is July; right?  
 14 A Yes, ma'am.  
 15 Q I'll show you what's been marked  
 16 as Plaintiff's Exhibit 18.  
 17 THE COURT REPORTER: 19. Are you  
 18 just marking?  
 19 MS. ROBERTSON: No. This is --  
 20 THE COURT REPORTER: Oh, okay.  
 21 yeah.  
 22 MS. ROBERTSON: This is from --  
 23 this is. Yeah, me too.

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1 MS. SWAIN: Are you sure it's not  
 2 from --  
 3 THE COURT REPORTER: It's not  
 4 from another --  
 5 MS. SWAIN: -- the last  
 6 go-around?  
 7 THE COURT REPORTER: I thought we  
 8 just marked 18.  
 9 THE WITNESS: You just marked  
 10 that one (indicating).  
 11 MS. ROBERTSON: Okay.  
 12 THE COURT REPORTER: Is it about  
 13 Ms. Nickerson?  
 14 MS. ROBERTSON: No. This is  
 15 about the -- the incident with Linda.  
 16 Maybe it should be 8. It seems like to  
 17 me it should be 8. That's probably the  
 18 way it should have been was 8. Well,  
 19 I'm going to call it 8.  
 20 THE COURT REPORTER: 8 in Tommy's  
 21 deposition?  
 22 MS. ROBERTSON: Uh-huh.  
 23 THE COURT REPORTER: That's

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1 training documentation for Frank  
 2 Williams.  
 3 MS. ROBERTSON: Yeah. Okay.  
 4 BY MS. ROBERTSON:  
 5 Q I'll show you what's been marked  
 6 as Plaintiff's Exhibit 8 and ask you to take  
 7 a look at that.  
 8 MS. SWAIN: That's the one?  
 9 MR. CRUM: Is that the same one?  
 10 MS. SWAIN: It's the same one.  
 11 MR. CRUM: I think it is.  
 12 MS. ROBERTSON: No.  
 13 MS. SWAIN: The one about --  
 14 MR. CRUM: I think it is the one  
 15 that you just --  
 16 MS. ROBERTSON: I see. I thought  
 17 I -- I was looking for -- I know it's in  
 18 here if I can find it.  
 19 MR. CRUM: I would help, but I  
 20 don't know what you're looking for.  
 21 (An off-the-record  
 22 discussion was held.)  
 23

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1 BY MS. ROBERTSON:  
 2 Q I'll show you what has been  
 3 marked as Plaintiff's Exhibit Number 2 and  
 4 ask you to take a look at that.  
 5 A (Witness complied.)  
 6 MS. SWAIN: Ann, for the record,  
 7 the exhibit numbers are just going  
 8 straight through between Tommy's and  
 9 his.  
 10 MS. ROBERTSON: Yeah. Yeah,  
 11 that's a good point. We started --  
 12 MS. SWAIN: We made it an exhibit  
 13 to Tommy's --  
 14 MS. ROBERTSON: Yeah, we  
 15 started -- we made it an exhibit to  
 16 Tommy's and we're just running them  
 17 straight through.  
 18 MR. CRUM: Go ahead and read it.  
 19 A Yes, ma'am.  
 20 Q What is that, sir?  
 21 A That's a documentation form.  
 22 Q About what?  
 23 A About -- this one happened

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<p style="text-align: right;">129</p> <p>1 between me and Linda.</p> <p>2 Q Now, how did you come to fill</p> <p>3 that out?</p> <p>4 A Chris Jordan told me to fill out</p> <p>5 an incident report about what happened</p> <p>6 between us.</p> <p>7 MR. CRUM: Sit up.</p> <p>8 THE WITNESS: Sorry.</p> <p>9 Q Did you make a complaint about</p> <p>10 the incident involving Linda?</p> <p>11 A I can't recall, ma'am.</p> <p>12 Q Do you know if Linda made a</p> <p>13 complaint about the incident involving</p> <p>14 yourself?</p> <p>15 A I don't know, ma'am.</p> <p>16 Q I'll show -- you don't remember</p> <p>17 if you initiated the -- the -- the grievance</p> <p>18 or the investigative procedure?</p> <p>19 A I don't.</p> <p>20 Q I'll show you what's been marked</p> <p>21 as Plaintiff's Exhibit Number 4.</p> <p>22 MR. CRUM: This is what she</p> <p>23 filled out?</p>	<p style="text-align: right;">131</p> <p>1 Q You don't remember whether you</p> <p>2 were asked whether or not you cursed?</p> <p>3 A No, ma'am. I really --</p> <p>4 Q You either cursed Ms. -- Ms.</p> <p>5 Thornton or cursed in her presence?</p> <p>6 A I can't remember if somebody</p> <p>7 asked me that. I -- you know, I admitted I</p> <p>8 did it, you know, after -- I knew I probably</p> <p>9 did it and that was wrong of me. Knew I was</p> <p>10 wrong.</p> <p>11 Q You knew you probably did it?</p> <p>12 A Probably -- I probably did cuss</p> <p>13 her. Now, you know, I'm sorry for that.</p> <p>14 Q Did -- did you toss the cans</p> <p>15 around also?</p> <p>16 A No, ma'am.</p> <p>17 Q Now, I don't see any mention in</p> <p>18 your version about cursing or any of that.</p> <p>19 Did you put that in your version?</p> <p>20 A No, ma'am.</p> <p>21 Q Why would you not if you were</p> <p>22 asked to -- to document or give your -- the</p> <p>23 facts as you remembered them?</p>
<p style="text-align: right;">130</p> <p>1 Q Now, were you aware that those</p> <p>2 were the allegations that Linda Thornton</p> <p>3 made?</p> <p>4 A Can I read this?</p> <p>5 Q Sure.</p> <p>6 A Thank you.</p> <p>7 Q Did you know those were the</p> <p>8 allegations that Linda made concerning the</p> <p>9 incident?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And after reading that, do you</p> <p>12 think it was she or you that initiated the</p> <p>13 complaint?</p> <p>14 A I guess she initiated the</p> <p>15 complaint.</p> <p>16 Q All right. Did you talk to Tommy</p> <p>17 Nance about that?</p> <p>18 A I can't remember, ma'am.</p> <p>19 Q Okay. Do you remember telling</p> <p>20 anybody whether or not you cursed as</p> <p>21 Ms. Thornton described?</p> <p>22 A I can't remember, ma'am. I don't</p> <p>23 remember.</p>	<p style="text-align: right;">132</p> <p>1 MR. CRUM: Object to the form.</p> <p>2 A I don't remember, ma'am.</p> <p>3 Q Well, you knew, of course -- I</p> <p>4 assume you knew that that was what was the</p> <p>5 issue at hand, right, was that --</p> <p>6 MR. CRUM: Object to the form.</p> <p>7 MS. SWAIN: Objection.</p> <p>8 Q -- that you had cursed Linda?</p> <p>9 A I don't remember.</p> <p>10 Q You don't remember. Is there</p> <p>11 something wrong with your memory?</p> <p>12 A I don't know, ma'am.</p> <p>13 Q Did you have plenty of sleep last</p> <p>14 night?</p> <p>15 A Normal.</p> <p>16 Q Well, I don't know what that</p> <p>17 means. Are you an insomniac or not?</p> <p>18 A Not that I'm aware of.</p> <p>19 Q All right. So you had a good</p> <p>20 night's sleep. Are you taking any drugs --</p> <p>21 A No, ma'am.</p> <p>22 Q -- street or prescription that</p> <p>23 would affect your memory?</p>

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<p style="text-align: right;">133</p> <p>1 A No, ma'am.</p> <p>2 Q Do you have any medical condition</p> <p>3 that would affect your memory?</p> <p>4 A No, ma'am.</p> <p>5 Q And are you telling me that --</p> <p>6 that the write-up that you got concerning</p> <p>7 Linda Thornton was the first write-up you</p> <p>8 had got -- had ever gotten at Flavor House?</p> <p>9 A I don't recall, ma'am.</p> <p>10 Q Well, it was one of the first</p> <p>11 ones; right?</p> <p>12 A I don't remember.</p> <p>13 Q You testified that you got two</p> <p>14 write-ups at --</p> <p>15 A I said as far as I know, that's</p> <p>16 how many I got.</p> <p>17 Q Okay. Well -- and so -- but you</p> <p>18 don't remember whether or not you knew when</p> <p>19 they asked you about what happened that they</p> <p>20 were wanting to know whether you had been</p> <p>21 cursing?</p> <p>22 MR. CRUM: Object to the form.</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">135</p> <p>1 is -- is the key to whether somebody should</p> <p>2 have to tolerate you hollering and screaming</p> <p>3 and cursing?</p> <p>4 MR. CRUM: Object to the form.</p> <p>5 And I don't know that you can answer</p> <p>6 that question.</p> <p>7 MS. ROBERTSON: Well, he just</p> <p>8 said that he was apologizing to</p> <p>9 Katherine Long because she was a</p> <p>10 Christian as if her Christianity had</p> <p>11 some significance. I was just</p> <p>12 wondering.</p> <p>13 Q Did you apologize to Linda</p> <p>14 Thornton?</p> <p>15 A No. We did not speak any more</p> <p>16 after that incident.</p> <p>17 Q You -- but you -- you -- that</p> <p>18 didn't mean you couldn't apologize to her</p> <p>19 that day; right?</p> <p>20 A I don't know, ma'am.</p> <p>21 Q Huh?</p> <p>22 A I don't know.</p> <p>23 Q What do you mean you don't know?</p>
<p style="text-align: right;">134</p> <p>1 Q Now, I notice on your -- did you</p> <p>2 know if there were any people around when</p> <p>3 the incident occurred?</p> <p>4 A As -- as far as I can remember,</p> <p>5 it was, I think, Katherine Long. That's the</p> <p>6 only one I can actually remember.</p> <p>7 Q Okay. Did you ask Katherine at</p> <p>8 the time whether or not you had been</p> <p>9 hollering at Linda?</p> <p>10 A I asked her later that afternoon</p> <p>11 because I felt bad. I didn't, you know --</p> <p>12 and she said yes. And I told her I was</p> <p>13 real -- I didn't mean to do that.</p> <p>14 Q You -- you asked -- you told --</p> <p>15 A Katherine.</p> <p>16 Q -- Katherine --</p> <p>17 A I --</p> <p>18 Q You apologized to Katherine?</p> <p>19 A No. I told her I was sorry I had</p> <p>20 acted like that, that she's a real Christian</p> <p>21 lady and I really didn't mean to do that.</p> <p>22 That -- that was very ugly of me.</p> <p>23 Q Do you think that Christianity</p>	<p style="text-align: right;">136</p> <p>1 I mean, she -- she was around the rest of</p> <p>2 the day; right?</p> <p>3 A I can't recall that, ma'am.</p> <p>4 Q Are you sure you weren't asking</p> <p>5 Ms. Long whether -- whether you were</p> <p>6 hollering to see if there were going to be</p> <p>7 any witnesses against you?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A No, ma'am.</p> <p>10 Q Now, you said you took</p> <p>11 responsibility for the altercation involving</p> <p>12 Ms. Nickerson; right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Well, look at Plaintiff's Exhibit</p> <p>15 Number 18, which is your documentation form.</p> <p>16 I think we've already looked at that.</p> <p>17 A Yes, ma'am.</p> <p>18 Q Well, you see over here where you</p> <p>19 say, My super -- my supervisors tell me to</p> <p>20 take -- tell them something to do and I tell</p> <p>21 them, and if I they don't like it, they turn</p> <p>22 around and tell something on me because I</p> <p>23 told them to do their job so I get in</p>

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<p style="text-align: right;">137</p> <p>1 trouble. It doesn't sound like you're 2 taking responsibility in that statement. 3 MS. SWAIN: Objection. 4 MR. CRUM: Object to the form. I 5 don't know that it's a question. 6 A I don't know. 7 Q Is that right? Are you taking -- 8 are you taking responsibility in that 9 statement? Aren't you saying it's -- 10 MR. CRUM: Responsibility for 11 what? 12 A For what? 13 Q For being rude and discourteous, 14 the things that you accepted when you were 15 written up about Ms. Nickerson. 16 A Well, it don't say that they told 17 me to be rude and discourteous, ma'am, so 18 yes, I took responsibility for that. 19 Q But you were saying that -- you 20 say -- it says, A lot of the problems I'm 21 having with my employees is my supervisors 22 tell me to tell them something to do. I 23 tell them. And if they don't like it, they</p>	<p style="text-align: right;">139</p> <p>1 Q Uh-huh. 2 A And then they'd go dad-gum 3 yelling and fussing because I dad-gum did 4 what I was supposed to do. That's all I 5 had -- that's all I was meaning about that. 6 Q You're talking about Jonnie 7 Nickerson went to yelling and complaining 8 because you were doing what you were 9 supposed to do? 10 A I have no idea, ma'am. 11 Q Well -- 12 A I don't know. 13 Q You were writing your 14 documentation as to the incident -- 15 A Because I was aggravated, ma'am. 16 Q So -- 17 MR. CRUM: Let her finish her 18 question. 19 THE WITNESS: Okay. 20 Q You were aggravated -- 21 MR. CRUM: Sit up. 22 Q -- at whom, Jonnie? 23 A Myself.</p>
<p style="text-align: right;">138</p> <p>1 turn around and tell something on me because 2 I told them to do their job. So I get in 3 trouble. 4 Now, is that your idea of taking 5 responsibly -- responsibility for being rude 6 and discourteous to -- to Ms. Nickerson? 7 MR. CRUM: Object to the form. 8 MS. SWAIN: Objection. 9 A I just explained to you, ma'am. 10 I don't -- I knew I was wrong when I was 11 discourteous to her. But this is something 12 totally irrelevant to what that was about. 13 It was other things, ma'am. 14 Q Well, tell me. 15 A No, ma'am. Do you really want to 16 know? 17 Q Yeah. 18 A I just felt like when my 19 supervisor told me to call -- and they'd 20 tell me to call Bruce Cassady to the label 21 machine and I did, the new employees would 22 get mad because I did what they told me to 23 do.</p>	<p style="text-align: right;">140</p> <p>1 Q Well, my question is: When you 2 were asked about the incident involving 3 yourself and Jonnie Nickerson, you say in 4 that last statement that you tell the -- 5 your employees to do what your supervisor 6 tells you and it aggravates your employees 7 and they -- the employees and they turn 8 around and get you in trouble. Isn't that 9 what you're saying? 10 A I don't know, ma'am. 11 Q What do you mean you don't know? 12 Isn't that what you wrote? 13 A I don't know. I don't know, 14 ma'am. 15 Q What -- well, tell me what you 16 mean when you say you don't know. You don't 17 remember? You don't have enough intellect 18 to understand the question? What do you 19 mean you don't know? 20 A I don't remember none of this. 21 It's been so long ago I just don't remember. 22 Q It was in 19 -- it was in 2006, 23 sir.</p>



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<p style="text-align: right;">141</p> <p>1 A That was two years ago, ma'am.</p> <p>2 Q Yeah. And you don't have any</p> <p>3 memory?</p> <p>4 MR. CRUM: Object to the form.</p> <p>5 Q Is that right?</p> <p>6 MR. CRUM: Let her ask you a</p> <p>7 question.</p> <p>8 Q You're telling the jury that you</p> <p>9 have no memory of any of this because it</p> <p>10 happened so long ago, i.e. two years; is</p> <p>11 that right?</p> <p>12 MR. CRUM: You've already asked</p> <p>13 him multiple questions about it and he's</p> <p>14 talked about. He's not telling the jury</p> <p>15 that at all. I object to the</p> <p>16 mischaracterization. Well, tell me what</p> <p>17 you meant, then, when you wrote, A lot</p> <p>18 of the problems I am having with my</p> <p>19 employees is my supervisor tells me to</p> <p>20 tell them something to do, I tell them,</p> <p>21 and if I they don't like it, they turn</p> <p>22 around and tell something on me because</p> <p>23 I told them to do their jobs so I get in</p>	<p style="text-align: right;">143</p> <p>1 about the incident?</p> <p>2 A I don't know, ma'am.</p> <p>3 Q No. That -- I don't know, ma'am.</p> <p>4 Do you or do you not remember anything about</p> <p>5 the incident?</p> <p>6 A What incident, ma'am?</p> <p>7 Q The one involving Jonnie</p> <p>8 Nickerson that led to your write-up of</p> <p>9 Plaintiff's Exhibit Number 16.</p> <p>10 A I already told you, ma'am. We</p> <p>11 was having problems with the label machine.</p> <p>12 I asked her to pull it back. She didn't. I</p> <p>13 don't know -- I can't remember exactly what</p> <p>14 was said, but I know there was no cussing</p> <p>15 and -- I would have got wrote up for</p> <p>16 cussing. So, I mean, as far as anything</p> <p>17 else, I don't know, ma'am. I don't recall</p> <p>18 anything --</p> <p>19 Q That's all you --</p> <p>20 A I mean, there's nothing else to</p> <p>21 it besides that.</p> <p>22 Q You've exhausted your memory on</p> <p>23 that? Was there something about this</p>
<p style="text-align: right;">142</p> <p>1 trouble.</p> <p>2 I -- I -- you're talking about</p> <p>3 Jonnie Nickerson; right?</p> <p>4 A No, ma'am.</p> <p>5 Q Well, isn't that what you were</p> <p>6 told to write a documentation form on?</p> <p>7 A I can't recall, ma'am.</p> <p>8 Q You can't recall that that's why</p> <p>9 you were asked to write the documentation</p> <p>10 form; is that right?</p> <p>11 A (No response.)</p> <p>12 Q Is that right?</p> <p>13 A I can't recall what you're</p> <p>14 asking.</p> <p>15 Q Because your lawyer is</p> <p>16 suggesting --</p> <p>17 A You're -- you're asking me to</p> <p>18 answer questions I can't give you answers</p> <p>19 to. I'm sorry, ma'am.</p> <p>20 Q All right. Well, you don't -- do</p> <p>21 you remember writing that?</p> <p>22 A I don't remember writing that.</p> <p>23 Q Okay. Do you remember anything</p>	<p style="text-align: right;">144</p> <p>1 incident that was different from</p> <p>2 disagreements you've had with other</p> <p>3 employments as a team leader?</p> <p>4 A I don't know. I don't recall.</p> <p>5 Q So why, then, did you accept</p> <p>6 Plaintiff's Exhibit Number 16 as accepted</p> <p>7 it?</p> <p>8 A I don't know.</p> <p>9 Q Did you ever complain that Linda</p> <p>10 Thornton was telling people that you were a</p> <p>11 child molester?</p> <p>12 MR. CRUM: Object to the form.</p> <p>13 A Yes, ma'am.</p> <p>14 Q All right. And to whom did you</p> <p>15 complain about that?</p> <p>16 A Chris Jordan and Melvin Hutchins.</p> <p>17 Q Okay. Now, what was your</p> <p>18 complaint about that?</p> <p>19 A Because it shouldn't be -- that</p> <p>20 ain't nothing for her to go around telling</p> <p>21 people at work.</p> <p>22 Q And -- and why is that?</p> <p>23 A Why should she? That don't have</p>



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<p style="text-align: right;">145</p> <p>1 --</p> <p>2 Q Why shouldn't she?</p> <p>3 A They -- that don't have nothing</p> <p>4 to do with work.</p> <p>5 Q Do you know what was -- in what</p> <p>6 context she was talking about it?</p> <p>7 A No, I do not.</p> <p>8 Q And how did you come to learn</p> <p>9 that she was telling it?</p> <p>10 A I had about five or six people</p> <p>11 come and tell me that.</p> <p>12 Q Do you know that she learned</p> <p>13 it -- one of the places she learned it was</p> <p>14 from your uncle, Bruce Cassady?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 Q No, you don't know that?</p> <p>17 MR. CRUM: You just have to</p> <p>18 answer what you know.</p> <p>19 A No, I do not.</p> <p>20 Q Well, do you know where she</p> <p>21 learned it?</p> <p>22 A No.</p> <p>23 Q Do you know that it has to be</p>	<p style="text-align: right;">147</p> <p>1 forever. So I -- I can't remember exactly</p> <p>2 who I -- not many people because that's</p> <p>3 nothing to brag about.</p> <p>4 Q Yeah. Well, did you ever mention</p> <p>5 to her or anybody else that you had spent</p> <p>6 time in prison?</p> <p>7 A No, ma'am.</p> <p>8 Q Have you ever talked about that</p> <p>9 to anybody at work since Linda left?</p> <p>10 A No, ma'am.</p> <p>11 Q Have you ever had conversations</p> <p>12 with temp employees in -- on smoke break</p> <p>13 when they said they had been incarcerated?</p> <p>14 Did you ever tell them you, too, had been</p> <p>15 incarcerated?</p> <p>16 A Not that I can recall.</p> <p>17 Q Well, is it that you did not have</p> <p>18 that conversation or that you don't recall</p> <p>19 it?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I don't remember ever having that</p> <p>22 conversation.</p> <p>23 Q And if Jonnie Nickerson says that</p>
<p style="text-align: right;">146</p> <p>1 public -- a public announcement? It's a</p> <p>2 public knowledge.</p> <p>3 MR. CRUM: Object to the form.</p> <p>4 A I guess.</p> <p>5 Q That the -- that the public</p> <p>6 safety department requires all sex offenders</p> <p>7 to register?</p> <p>8 MR. CRUM: Object to the form.</p> <p>9 A Yes, ma'am.</p> <p>10 Q And you have to -- you</p> <p>11 registered?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And -- and how do you go about</p> <p>14 registering?</p> <p>15 A I go to Houston County courthouse</p> <p>16 and register.</p> <p>17 Q And did you -- did you ever</p> <p>18 mention that?</p> <p>19 A Not to her.</p> <p>20 Q Well, to anybody at work.</p> <p>21 A I have -- I can't recall. I</p> <p>22 mean, if I did, it was the people that I was</p> <p>23 real close to that I had been knowing</p>	<p style="text-align: right;">148</p> <p>1 you did, is she mistaken or is she lying?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 A I don't know, ma'am.</p> <p>4 Q So you're saying that you never</p> <p>5 had any conversations about serving time in</p> <p>6 prison with close -- not -- not co-workers</p> <p>7 that were close. These were temp workers.</p> <p>8 A No.</p> <p>9 MR. CRUM: Object to the form.</p> <p>10 A Not that I remember.</p> <p>11 Q When you -- did you have to get</p> <p>12 off work to go register as a sex offender?</p> <p>13 A I can't remember, ma'am.</p> <p>14 Q Well, what were your hours?</p> <p>15 A Whenever they needed me to come</p> <p>16 in until whenever I left. I mean, it</p> <p>17 usually --</p> <p>18 Q I'm talking -- okay. But --</p> <p>19 A Usually it's 4:30 to whenever my</p> <p>20 assignment was up.</p> <p>21 Q Well, what was the usual</p> <p>22 situation?</p> <p>23 A I didn't have a usual situation.</p>

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<p style="text-align: right;">149</p> <p>1 I mean, I'm serious. I don't really -- I</p> <p>2 mean, it's --</p> <p>3 Q Well --</p> <p>4 A I could get off at two. I could</p> <p>5 get off at four. I could get off at 5:30.</p> <p>6 Whenever my job was done that they needed me</p> <p>7 to do that day.</p> <p>8 Q Do you ever recall having to take</p> <p>9 off work to register as a sex offender?</p> <p>10 A I don't remember. I don't</p> <p>11 remember.</p> <p>12 Q Do you ever recall having to ask</p> <p>13 a supervisor could you leave because you had</p> <p>14 to go register as a sex offender?</p> <p>15 A I don't remember, ma'am.</p> <p>16 Q If -- why do you think the state</p> <p>17 of Alabama makes you register as a sex</p> <p>18 offender?</p> <p>19 MR. CRUM: Object to the form.</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I don't know, ma'am. I guess</p> <p>22 because they want to know where you live and</p> <p>23 work.</p>	<p style="text-align: right;">151</p> <p>1 brung up to you at work either, I mean, if</p> <p>2 you ever had one, which I doubt you do since</p> <p>3 you're a lawyer.</p> <p>4 Q No.</p> <p>5 A But, I mean, you wouldn't want</p> <p>6 somebody throwing that up in your face when</p> <p>7 you -- you're trying to just provide for</p> <p>8 your family. That's all I'm trying to do.</p> <p>9 I'm not trying to do nothing else, ma'am.</p> <p>10 Q Well, you provide for some of</p> <p>11 your family but not all of them. You don't</p> <p>12 provide for one of your daughters; right?</p> <p>13 MR. CRUM: Object to the form of</p> <p>14 the question.</p> <p>15 MS. SWAIN: Objection.</p> <p>16 MR. CRUM: Don't answer that.</p> <p>17 THE WITNESS: I'm not.</p> <p>18 MR. CRUM: That's not a question.</p> <p>19 MS. ROBERTSON: Sure, it's a</p> <p>20 question.</p> <p>21 MR. CRUM: Well, it's not a</p> <p>22 proper question.</p> <p>23 BY MS. ROBERTSON:</p>
<p style="text-align: right;">150</p> <p>1 Q They being?</p> <p>2 A The state of Alabama and the</p> <p>3 people that live in it.</p> <p>4 Q Okay. They want them to know</p> <p>5 where you live and where you work; right?</p> <p>6 MS. SWAIN: Objection.</p> <p>7 Q The state of Alabama; right?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A Right, the state of Alabama.</p> <p>10 Q So if the state of Alabama wants</p> <p>11 it and they want the public to know it,</p> <p>12 what's wrong with Linda Thornton talking</p> <p>13 about it?</p> <p>14 MR. CRUM: Object to the form.</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A What's wrong with it?</p> <p>17 Q Yeah.</p> <p>18 MR. CRUM: Object to the form.</p> <p>19 If he has a question.</p> <p>20 MS. ROBERTSON: Huh?</p> <p>21 MR. CRUM: You can answer.</p> <p>22 A Well, I think if you dad-gum --</p> <p>23 you don't want your criminal background</p>	<p style="text-align: right;">152</p> <p>1 Q You don't provide for all of your</p> <p>2 family, do you?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 MR. CRUM: He's already said he</p> <p>5 doesn't know if that's his daughter so</p> <p>6 it's an improper question.</p> <p>7 MS. ROBERTSON: Thank you.</p> <p>8 MR. CRUM: You're welcome.</p> <p>9 MS. ROBERTSON: I think the jury</p> <p>10 will be impressed that you can</p> <p>11 articulate things to try to cover up for</p> <p>12 your client who is Prince Charming and</p> <p>13 Mother Teresa rolled into one.</p> <p>14 BY MS. ROBERTSON:</p> <p>15 Q Did you know that Linda Thornton</p> <p>16 had complained about your behavior toward</p> <p>17 her to Melvin Hutchins?</p> <p>18 A No, ma'am, I did not.</p> <p>19 Q Nobody ever mentioned that to</p> <p>20 you?</p> <p>21 A No, ma'am.</p> <p>22 Q Did anybody ever mention to you</p> <p>23 that -- that she had complained that you</p>

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<p style="text-align: right;">153</p> <p>1 were also threatening behind her saying you 2 were a sex offender? 3 A No, ma'am. 4 Q So nobody ever investigated that 5 with you? 6 A No, ma'am. 7 MR. CRUM: Object to the form. 8 MS. SWAIN: Objection. 9 A I never heard that. 10 Q Okay. So nobody -- Mr. Nance 11 didn't call you into his office and ask you 12 if you were making threats to -- about 13 Linda? 14 A I don't remember, ma'am. 15 Q Do you -- nobody ever asked you 16 were you telling people that you were going 17 to fuck her up if she -- if you lost your 18 job behind her telling people that you were 19 a sex offender? 20 A I don't remember that, ma'am. 21 Q Now, these close people that you 22 may have mentioned that you were a sex 23 offender, one of them would have been Bruce</p>	<p style="text-align: right;">155</p> <p>1 (Whereupon, a short break was taken.) 2 THE VIDEOGRAPHER: We're back on. 3 The time is 5:42 p.m. 4 BY MS. ROBERTSON: 5 Q Who's paying your lawyer, 6 Mr. Williams? 7 A Flavor House. 8 Q Did you select him or did Flavor 9 House select him? 10 A Flavor House selected him. 11 Q Why did you leave Flavor House? 12 A I resigned. 13 Q Under suggestion by Flavor House? 14 A Yes, ma'am. 15 Q All right. And tell me how that 16 came about, please, sir. 17 A They said I -- I got -- I could 18 either resign or I would be terminated for 19 lying to their lawyers. 20 Q Lying about what? 21 A I have no idea, but that's what 22 they told me. That's what I accepted. 23 Q You mean they told you that you</p>
<p style="text-align: right;">154</p> <p>1 Cassady; right? 2 A No, ma'am. I don't -- I hardly 3 ever spoke to Bruce Cassady except for when 4 he ran the label machine. 5 Q So he didn't know you were a sex 6 offender? 7 A I don't know, ma'am. 8 Q What about Butch? 9 A I don't know, ma'am. 10 Q You don't know whether he knew 11 you were a sex offender? 12 A I don't know. 13 Q Do you think that -- that you 14 were the only person in the plant that knew 15 you were a sex offender? 16 A I don't know. 17 Q Did -- did you ever ask or did 18 you ever learn how Linda Thornton knew that 19 you were a sex offender? 20 A No, ma'am, I did not. 21 MS. ROBERTSON: Let's take a 22 five-minute break. 23 MR. CRUM: We're off at 5:20.</p>	<p style="text-align: right;">156</p> <p>1 were being fired for lying to the lawyers 2 but you don't know what you supposedly lied 3 about? 4 A I can't remember. 5 Q You can't remember what you lied 6 to the lawyers about or you can't remember 7 what -- if they told you that you -- that 8 you were being asked to resign because you 9 lied to the lawyers or what is it you can't 10 remember? 11 A All I know, ma'am, is that they 12 told me I could resign or they would 13 terminate me. And the reason was because I 14 lied to the lawyers. And I said I resign. 15 Q Did you ask them what you 16 supposedly lied about? 17 A No, ma'am. 18 Q Had you talked to their lawyers 19 before? 20 A About -- I think it was a week 21 before. 22 Q Okay. Was that at or about the 23 time Flavor House was served with Linda's</p>

## FREEDOM COURT REPORTING

<p style="text-align: right;">157</p> <p>1 lawsuit?</p> <p>2 A I don't know, ma'am. I don't</p> <p>3 know if they were served with it, but I was.</p> <p>4 Q You had been served with it?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And they -- and the lawyers</p> <p>7 called you in to talk to you about the</p> <p>8 lawsuit?</p> <p>9 A They called me in to ask me about</p> <p>10 what had happened, yes, ma'am.</p> <p>11 Q And did they ask you if you had</p> <p>12 any felony convictions?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And what did you tell them?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And then what did -- anything</p> <p>17 else?</p> <p>18 A No, ma'am.</p> <p>19 Q So what was it that you lied to</p> <p>20 them about?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A I don't know, ma'am.</p> <p>23 Q You didn't ask?</p>	<p style="text-align: right;">159</p> <p>1 not ask them what lie you supposedly told?</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A I don't recall. I don't recall,</p> <p>5 ma'am.</p> <p>6 Q Was that some -- that was just an</p> <p>7 everyday event, losing your job?</p> <p>8 MR. CRUM: Objection the form.</p> <p>9 MS. SWAIN: Objection.</p> <p>10 Q Is that right?</p> <p>11 MR. CRUM: Let her ask you a</p> <p>12 question.</p> <p>13 Q Well, I mean, what -- what --</p> <p>14 what is it that -- that is so insignificant</p> <p>15 about that day that you don't recall it?</p> <p>16 MR. CRUM: Object to the form.</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A I don't know.</p> <p>19 Q You don't know? I mean, was</p> <p>20 it -- was it insignificant?</p> <p>21 A I don't recall.</p> <p>22 MR. CRUM: Hold on just a second,</p> <p>23 please. Can I just take a second?</p>
<p style="text-align: right;">158</p> <p>1 A No, ma'am.</p> <p>2 Q Well, what else did you talk to</p> <p>3 them about the week before?</p> <p>4 A I can't recall, ma'am.</p> <p>5 Q Did you give them the specifics</p> <p>6 concerning your felony convictions?</p> <p>7 A I can't recall, ma'am.</p> <p>8 Q Did you tell them you had been</p> <p>9 convicted of forgery?</p> <p>10 A I can't recall, ma'am.</p> <p>11 Q You weren't concerned that you</p> <p>12 were told that you were going to be fired if</p> <p>13 you didn't resign because you lied to some</p> <p>14 lawyers?</p> <p>15 MR. CRUM: Object to the form.</p> <p>16 A I don't know. I don't understand</p> <p>17 the question, ma'am.</p> <p>18 Q I mean, you know, me, personally,</p> <p>19 about the worst thing you can say to me is</p> <p>20 that I've lied because I don't lie. And I</p> <p>21 sure would want to know what it was that I</p> <p>22 had lied about before I would go quietly</p> <p>23 into the night of a -- for a job. You did</p>	<p style="text-align: right;">160</p> <p>1 MS. ROBERTSON: Yeah. Assert the</p> <p>2 attorney/client privilege, then I really</p> <p>3 will have a condemnation argument.</p> <p>4 MR. CRUM: Just hold on.</p> <p>5 MS. SWAIN: You don't have any</p> <p>6 idea what we're talking about. And we</p> <p>7 asked for a moment if we could.</p> <p>8 MS. ROBERTSON: Take a break and</p> <p>9 maybe you can go talk to your client</p> <p>10 about his memory, please.</p> <p>11 MR. CRUM: Let's not take a</p> <p>12 full-fledged break that turns into a</p> <p>13 really long one.</p> <p>14 MS. ROBERTSON: A five minute.</p> <p>15 I'll sit here. I won't move.</p> <p>16 MS. SWAIN: Okay.</p> <p>17 MS. ROBERTSON: But, I mean, this</p> <p>18 is ridiculous. I don't remember, I</p> <p>19 don't remember.</p> <p>20 THE VIDEOGRAPHER: Off, 5:47.</p> <p>21 (Whereupon, a short break was taken.)</p> <p>22 THE VIDEOGRAPHER: We're back on</p> <p>23 at 5:49.</p>



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<p style="text-align: right;">161</p> <p>1 BY MS. ROBERTSON:</p> <p>2 Q You got served with a lawsuit;</p> <p>3 correct?</p> <p>4 A Yes, ma'am. It was in my post</p> <p>5 office box.</p> <p>6 Q Okay. And -- and --</p> <p>7 A Or our post office box.</p> <p>8 Q And what did you do when you got</p> <p>9 served with the lawsuit in terms of</p> <p>10 vis-a-vis the company? Did you tell</p> <p>11 anybody?</p> <p>12 A No. I just read it. And about a</p> <p>13 day later, they -- they called me and asked</p> <p>14 me did I get served with payers and I said</p> <p>15 yes.</p> <p>16 Q They being who, Flavor House?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And -- and -- and what person?</p> <p>19 A Mary Ann Boyer.</p> <p>20 Q Okay. And -- and you told her</p> <p>21 yes. And then what did she say?</p> <p>22 A She just asked me did I read it</p> <p>23 and I said yes. She said that I needed --</p>	<p style="text-align: right;">163</p> <p>1 MR. CRUM: Object to the form.</p> <p>2 Just tell her what you remember.</p> <p>3 A Yes, ma'am.</p> <p>4 Q All right. Tell me, when the</p> <p>5 lawyers came down to speak with you about</p> <p>6 the lawsuit, do you remember the names of</p> <p>7 the people that came?</p> <p>8 A No, ma'am.</p> <p>9 Q Do you remember how many there</p> <p>10 were?</p> <p>11 A Not really, ma'am. No. No,</p> <p>12 ma'am.</p> <p>13 Q How long did the meeting last?</p> <p>14 A I don't recall that.</p> <p>15 Q Did it last an hour? Did it last</p> <p>16 ten minutes? Did it last two hours, like</p> <p>17 we've been here so far? Did it last -- did</p> <p>18 it last a week and a half?</p> <p>19 A I don't recall, ma'am.</p> <p>20 MS. SWAIN: Objection.</p> <p>21 Q Do -- do you recall whether or</p> <p>22 not you recalled anything that they -- when</p> <p>23 they asked you questions, did you recall any</p>
<p style="text-align: right;">162</p> <p>1 that their lawyers were going to come down</p> <p>2 and talk to me. That's as far as it went.</p> <p>3 Q Is that when you were told that</p> <p>4 they were going to provide you with a</p> <p>5 lawyer?</p> <p>6 A No, ma'am.</p> <p>7 Q When were you told they were</p> <p>8 going to give you a lawyer, before or after</p> <p>9 you were told that you were fired because</p> <p>10 you lied?</p> <p>11 A When they asked --</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A When they asked me to resign or I</p> <p>14 would be terminated, they said, you know, my</p> <p>15 resignation would come with the providal of</p> <p>16 a lawyer.</p> <p>17 Q Okay. So they said, You lied to</p> <p>18 our lawyers, we're going to fire you if you</p> <p>19 don't resign, and oh, by the way, you're --</p> <p>20 we're going to provide you with a lawyer</p> <p>21 that would cost thousands of dollars</p> <p>22 otherwise. Is that right?</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">164</p> <p>1 information that you could tell them?</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 Q I mean, like here today, you're</p> <p>4 having almost trouble remembering your name.</p> <p>5 Did you have trouble when you talked to</p> <p>6 their lawyers about what they asked you?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 MR. CRUM: I object to -- you</p> <p>9 know, try not to harass him, if you can.</p> <p>10 A I don't recall.</p> <p>11 Q Huh?</p> <p>12 A I don't recall, ma'am.</p> <p>13 Q All right. So tell me what you</p> <p>14 do remember about the conversation between</p> <p>15 you and the Flavor House lawyers.</p> <p>16 A They called me up there and asked</p> <p>17 me about the situation.</p> <p>18 Q What situation?</p> <p>19 A Between what happened with me and</p> <p>20 Linda Thornton. And I can't remember</p> <p>21 anything else. If there was anything else,</p> <p>22 I just -- I -- I don't let that -- let it --</p> <p>23 I just don't even remember that stuff. I --</p>



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<p style="text-align: right;">165</p> <p>1 Q Have you ever been sued before?</p> <p>2 A Not that I know of. I --</p> <p>3 Q Well, Ronnie sued you for</p> <p>4 divorce.</p> <p>5 A Okay. Well, I guess so.</p> <p>6 Q Anybody -- anybody sue you for</p> <p>7 child support?</p> <p>8 A I don't remember getting sued for</p> <p>9 child support.</p> <p>10 Q Did you filed bankruptcy?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Why did you file bankruptcy?</p> <p>13 A I -- I don't remember.</p> <p>14 Q Just had some free time one day?</p> <p>15 A I don't remember.</p> <p>16 Q Was it because you had some</p> <p>17 lawsuits pending against you for debts?</p> <p>18 A I don't remember, ma'am.</p> <p>19 Q You don't remember why you filed</p> <p>20 bankruptcy?</p> <p>21 A There had to be a reason, ma'am.</p> <p>22 Q Yeah. But you don't remember</p> <p>23 what it was?</p>	<p style="text-align: right;">167</p> <p>1 A No, ma'am.</p> <p>2 Q Nobody talked to you about an</p> <p>3 EEOC charge that Flavor House had received</p> <p>4 concerning Linda Thornton's complaints?</p> <p>5 A I don't recall any of that,</p> <p>6 ma'am.</p> <p>7 MR. CRUM: Sit up.</p> <p>8 Q So the -- yeah, it might help</p> <p>9 your memory. So the first time you ever</p> <p>10 heard that Linda Thornton were making</p> <p>11 allegations about discrimination and sexual</p> <p>12 harassment and retaliation against her was</p> <p>13 when you got the lawsuit?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 Q Is that right?</p> <p>16 MR. CRUM: Object to the form.</p> <p>17 A I don't remember when is the</p> <p>18 first time I heard about it. I guess that's</p> <p>19 the only time I've known anything about it</p> <p>20 is when I seen the lawsuit.</p> <p>21 Q Well, what -- so they asked you</p> <p>22 about the situation involving Linda. That</p> <p>23 is what happened the -- the day that she</p>
<p style="text-align: right;">166</p> <p>1 A Not really.</p> <p>2 Q Well, did anybody suggest you</p> <p>3 should file bankruptcy about this?</p> <p>4 A No, ma'am.</p> <p>5 Q Well, it got you out of those</p> <p>6 other debts. I was just wondering.</p> <p>7 MR. CRUM: Object to the form.</p> <p>8 Q So you said they asked you about</p> <p>9 the situation involving Linda. What</p> <p>10 situation?</p> <p>11 A What expired on that day, you</p> <p>12 know, what happened between me and her on</p> <p>13 that day that I recall.</p> <p>14 Q What day?</p> <p>15 A Whenever she claimed I dad-gum</p> <p>16 harassed or anything, whatever.</p> <p>17 Q Was it your understanding that</p> <p>18 you -- that her allegations only involved</p> <p>19 one day?</p> <p>20 A That's all. I didn't know</p> <p>21 nothing else.</p> <p>22 Q Had you ever been talked to about</p> <p>23 an EEOC charge?</p>	<p style="text-align: right;">168</p> <p>1 left; is that right?</p> <p>2 A I don't remember, ma'am.</p> <p>3 MS. SWAIN: Objection.</p> <p>4 MR. CRUM: Yeah. Object to the</p> <p>5 form.</p> <p>6 Q Well, you remembered that 10</p> <p>7 seconds ago. I'm talking about you said you</p> <p>8 remembered them asking you about the</p> <p>9 situation that happened that day. Is that</p> <p>10 the day you're talking about in June?</p> <p>11 A I don't remember which day you're</p> <p>12 talking about, ma'am.</p> <p>13 Q You don't remember what day you</p> <p>14 talked to their lawyers about?</p> <p>15 A No, ma'am.</p> <p>16 Q Okay. Did they -- and they asked</p> <p>17 you had you been convicted of a felony?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And -- and you told them yes,</p> <p>20 five?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And it was actually six, forgery</p> <p>23 and the five rapes and/or sodomies; right?</p>

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169

1 A Okay.

2 MR. CRUM: Don't just -- you need

3 to answer what you know.

4 A Yes, ma'am. I dad-gum -- I told

5 them I was convicted of two counts -- three

6 counts of rape two, two counts of sodomy

7 one. That's the only thing I've ever

8 dad-gum told anybody. I ain't never thought

9 nothing about the forgery charge. It never

10 even crossed my mind.

11 Q Why is that?

12 A I don't know. Because it

13 happened like --

14 Q Because you didn't have to go to

15 prison for that?

16 MR. CRUM: Object to the form.

17 A I don't know. I don't know,

18 ma'am.

19 Q So you didn't think it was

20 significant that you had stolen a -- a man's

21 money that he had to use to support himself;

22 right?

23 MS. SWAIN: Objection.

170

1 A No. I didn't think that was

2 funny, ma'am.

3 Q Huh?

4 A That was wrong, ma'am.

5 Q But you just forgot about it?

6 A I forgot the trouble I was in.

7 Q Anything else that you remember

8 the lawyers asking you about?

9 A No, ma'am.

10 Q Did the lawyers suggest that they

11 might not keep you around because of these

12 five felonies that you had confessed -- that

13 you told them that you had done?

14 A I don't remember, ma'am.

15 Q Did they ask you about your

16 application and how you had only mentioned

17 about one felony?

18 A I don't remember, ma'am.

19 Q All right. So what did -- what

20 did they tell you at the end of that

21 conversation?

22 A I could go back to work. That's

23 it. I went back to work.

171

1 Q And were you still a -- a

2 supervisor at the time or had that temporary

3 position run out?

4 A No. At the time, I was a

5 temporary supervisor for gift pack.

6 Q So after you were served with the

7 lawsuit and after you went up there and told

8 them you had been convicted of five counts

9 of rape and/or sodomy, they sent you back to

10 work as a team leader; is that right?

11 A As a temp supervisor over gift

12 pack.

13 Q Excuse me. As a temporary

14 supervisor --

15 A I'm sorry. I'm sorry.

16 Q So they -- they didn't demote you

17 or anything because of these rapes you had

18 been convicted of?

19 MS. SWAIN: Objection.

20 MR. CRUM: Object to the form.

21 A No, ma'am.

22 Q Did you receive any sexual

23 harassment training at Flavor House?

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1 A I don't recall, ma'am.

2 MS. ROBERTSON: We're going to

3 take a five-minute break. And please

4 have a conversation with your client

5 about his lack of memory.

6 MR. CRUM: He can't remember

7 except what he remembers. I mean --

8 THE VIDEOGRAPHER: Off at 5:58.

9 (Whereupon, a short break was taken.)

10 THE VIDEOGRAPHER: Okay. We're

11 back on at 6:11:56.

12 BY MS. ROBERTSON:

13 Q I was asking you before the break

14 if you had had any sexual harassment

15 training from Flavor House.

16 A I don't recall, ma'am.

17 Q Have you had any sexual

18 harassment training anywhere or anti-sexual

19 harassment training?

20 A I can't remember, ma'am, if I

21 have.

22 Q Before you were made a team

23 leader, do you have to have any courses on

# FREEDOM COURT REPORTING

<p style="text-align: right;">173</p> <p>1 supervision at Flavor House?</p> <p>2 A Not that I'm aware of, ma'am.</p> <p>3 Q Before you were made a temporary</p> <p>4 supervisor, did you have to have any</p> <p>5 training on how to be a supervisor?</p> <p>6 A Not that I'm aware of, ma'am.</p> <p>7 Q What do you mean not that you're</p> <p>8 aware of? Who else would be aware of it,</p> <p>9 sir?</p> <p>10 A I don't remember any kind of</p> <p>11 courses like that.</p> <p>12 (Plaintiff's Exhibit Number</p> <p>13 19 was marked for identification</p> <p>14 and attached to the deposition.)</p> <p>15 BY MS. ROBERTSON:</p> <p>16 Q I'm going to show you your</p> <p>17 interrogatories.</p> <p>18 MS. ROBERTSON: Number?</p> <p>19 THE COURT REPORTER: 19.</p> <p>20 Q And look at page 3 of your</p> <p>21 interrogatories where I've asked about</p> <p>22 your -- every employer that you had ever</p> <p>23 had.</p>	<p style="text-align: right;">175</p> <p>1 termination.</p> <p>2 Q What did you mean by that?</p> <p>3 A Because all I -- all I can recall</p> <p>4 that I did to her was maybe cuss her, but</p> <p>5 that's as far as I know I did. Anything</p> <p>6 else was -- was wrong. That's all I was</p> <p>7 saying on that.</p> <p>8 Q Well, I mean, you were told you</p> <p>9 were being fired for lying to the lawyers,</p> <p>10 right, not for what Linda Thornton said;</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q All right. Well -- so how did --</p> <p>14 how did her allegations lead to your</p> <p>15 employment -- your termination?</p> <p>16 A I don't know, ma'am. I'm just</p> <p>17 telling you that's -- they told me that's</p> <p>18 what I got terminated for.</p> <p>19 Q For lying?</p> <p>20 A Yes.</p> <p>21 Q Okay. So, again, if it was lying</p> <p>22 that got you fired, how did Linda's</p> <p>23 allegations have anything to do with that?</p>
<p style="text-align: right;">174</p> <p>1 A Okay.</p> <p>2 Q Do you see the second paragraph</p> <p>3 where it says name your employees --</p> <p>4 employers? This is dark print.</p> <p>5 A That?</p> <p>6 Q Right there.</p> <p>7 A I see that.</p> <p>8 Q All right. Read the last line or</p> <p>9 two of that paragraph out loud, please, and</p> <p>10 read it slow so the court reporter can write</p> <p>11 it down.</p> <p>12 A Which one, now, from here or --</p> <p>13 I'm just making sure you -- where are you</p> <p>14 talking about?</p> <p>15 Q Starting with my last general</p> <p>16 supervisors.</p> <p>17 A My last general supervisors</p> <p>18 during my employment there was Chris Jordan,</p> <p>19 Melvin Hutchins, Sammy Stewart, Eugene</p> <p>20 Andrews, Ricky Smothers. I continued there</p> <p>21 for six years, 11 months until the</p> <p>22 plaintiff's false, untrue, or slanderous</p> <p>23 allegations against me resulted in my</p>	<p style="text-align: right;">176</p> <p>1 A I don't know, ma'am.</p> <p>2 Q Tell me when you first worked</p> <p>3 with Linda Thornton.</p> <p>4 A I don't remember that, ma'am.</p> <p>5 I -- I don't really recall when I first</p> <p>6 worked with her.</p> <p>7 Q Did you work with her more than</p> <p>8 once? And I don't mean like two days. I'm</p> <p>9 talking about did you work with her on a</p> <p>10 machine or a line and then work with her</p> <p>11 later on?</p> <p>12 A If I did, it had to have been</p> <p>13 when I might have trained her or something,</p> <p>14 but I really can't recall when. But I -- I</p> <p>15 might have trained her on the label machine,</p> <p>16 but that's the only thing that I might have</p> <p>17 worked with her at.</p> <p>18 Q So you don't have any memory at</p> <p>19 all of working with her the first time?</p> <p>20 MR. CRUM: Object to the form.</p> <p>21 Q Or -- or I'm -- am I wrong? I'm</p> <p>22 just -- I just want to make sure I</p> <p>23 understand.</p>

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<p style="text-align: right;">177</p> <p>1 A Okay. Want me to try to make you</p> <p>2 understand?</p> <p>3 Q Yeah.</p> <p>4 A I trained a lot of people and,</p> <p>5 you know, I really doesn't remember, you</p> <p>6 know, how long I trained them or what I did,</p> <p>7 you know, how long. It just -- I trained</p> <p>8 them and then they went back to their</p> <p>9 position. I don't even remember if I did</p> <p>10 train her or what. I might of have, but I</p> <p>11 really can't remember if -- you know, when</p> <p>12 and --</p> <p>13 Q All right. So assuming that you</p> <p>14 did work with her earlier than this</p> <p>15 2005-2006 time period, you have no memory of</p> <p>16 it. Is that an accurate statement?</p> <p>17 A Not of working --</p> <p>18 Q No memory of any of it?</p> <p>19 MR. CRUM: Object to the form.</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A Not of working with her.</p> <p>22 Q Huh?</p> <p>23 THE COURT REPORTER: What was</p>	<p style="text-align: right;">179</p> <p>1 MS. SWAIN: Objection.</p> <p>2 MR. CRUM: Object to the form.</p> <p>3 And I think if there's specific</p> <p>4 instances of him saying -- her saying he</p> <p>5 was married to a nine-foot cactus, then</p> <p>6 those need to be presented so he can try</p> <p>7 to repeat that and refresh his memory.</p> <p>8 MS. ROBERTSON: Well -- so you</p> <p>9 want me to go through every allegation</p> <p>10 she's made and refresh his memory,</p> <p>11 although I just want to make sure that</p> <p>12 if he doesn't remember it, he doesn't</p> <p>13 remember it.</p> <p>14 MR. CRUM: No, ma'am. I'm not</p> <p>15 saying you need to go through every</p> <p>16 allegation that she's --</p> <p>17 MS. ROBERTSON: Because I'll do</p> <p>18 it and we'll be here until --</p> <p>19 MR. CRUM: And I don't mind what</p> <p>20 you do. My point is that I think you're</p> <p>21 mischaracterizing what he's trying to</p> <p>22 say.</p> <p>23 BY MS. ROBERTSON:</p>
<p style="text-align: right;">178</p> <p>1 your answer?</p> <p>2 THE WITNESS: Not of working with</p> <p>3 her.</p> <p>4 Q Okay. So anything Linda Thornton</p> <p>5 says that happened, you would have no way of</p> <p>6 refuting; is that correct?</p> <p>7 MR. CRUM: Object to the form.</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A I don't even know what the</p> <p>10 question is, ma'am.</p> <p>11 Q Would you have any way of -- of</p> <p>12 proving her wrong if you have no memory at</p> <p>13 all of working with her the first time?</p> <p>14 MR. CRUM: Object to the form.</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A I said I don't remember. I don't</p> <p>17 know if I did nor not so if you say --</p> <p>18 Q Well, I'm saying if she said</p> <p>19 that -- that -- that you told her that you</p> <p>20 were married to a 9-foot cactus, you</p> <p>21 wouldn't have any reason to doubt that</p> <p>22 because you can't remember whether you even</p> <p>23 worked with her; is that right?</p>	<p style="text-align: right;">180</p> <p>1 Q Well, I want to know do you ever</p> <p>2 recall working with Linda Thornton?</p> <p>3 A I might of have. That's what I</p> <p>4 was trying to tell you. I might of have.</p> <p>5 But I don't set store to who I train. All I</p> <p>6 do is train them and then they go back to</p> <p>7 their line. I couldn't tell you if I --</p> <p>8 when I trained her, how long I trained her.</p> <p>9 I really can't recall what, you know --</p> <p>10 Q Can you recall any kind of --</p> <p>11 your relationship with her?</p> <p>12 A There was no relationship. I</p> <p>13 trained her. That's it.</p> <p>14 Q I mean, whether y'all were good</p> <p>15 friends, good buddies, hated each other.</p> <p>16 A I spoke -- I spoke to everybody</p> <p>17 out there. I didn't have not one enemy.</p> <p>18 And I didn't have no friends. They was all</p> <p>19 associates. I spoke to everybody just like</p> <p>20 I'd speak to you right now, just speaking.</p> <p>21 All I had was two friends out of that whole</p> <p>22 plant that I would trust. That's --</p> <p>23 MR. CRUM: Let her ask you a</p>



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<p style="text-align: right;">181</p> <p>1 question.</p> <p>2 Q Who was that?</p> <p>3 A That was Stephanie Lamply.</p> <p>4 Q Did Steph --</p> <p>5 MR. CRUM: That's all right.</p> <p>6 Just let her ask you a question.</p> <p>7 Q Okay. And who else?</p> <p>8 A Mary Brooks.</p> <p>9 Q Did Mary Brooks know about your</p> <p>10 rape and sodomy convictions?</p> <p>11 A I don't know.</p> <p>12 Q I mean, did you ever tell her?</p> <p>13 A I -- I can't recall if I did or</p> <p>14 not. But I've known her for dad-gum nine</p> <p>15 year, so I don't really, really know.</p> <p>16 Q Did you know her immediately --</p> <p>17 did you know her while you were in prison?</p> <p>18 A No.</p> <p>19 Q What about Stephanie Lamply, did</p> <p>20 you know her while you were in prison?</p> <p>21 A No.</p> <p>22 Q Are you and Candace having</p> <p>23 marital problems?</p>	<p style="text-align: right;">183</p> <p>1 Q When?</p> <p>2 A That day that happened.</p> <p>3 Q That day what happened?</p> <p>4 A The argument between me and her</p> <p>5 about the label machine.</p> <p>6 Q Did you call her a bitch?</p> <p>7 A I don't know if I just called her</p> <p>8 a bitch or I just said, I ain't got time to</p> <p>9 do this shit, bitch. Now -- you know, and I</p> <p>10 probably did say that. That's what I said.</p> <p>11 And I admit I said that and I was wrong.</p> <p>12 Q Did you ever refer to my client</p> <p>13 as a bitch and Jonnie Nickerson call you on</p> <p>14 it?</p> <p>15 MR. CRUM: Object to the form.</p> <p>16 A I don't understand the question.</p> <p>17 Q Well, after my client had left,</p> <p>18 did you ever say something about crazy bitch</p> <p>19 and Jonnie Nickerson saying, Are you talking</p> <p>20 about me?</p> <p>21 A Not that I recall, ma'am.</p> <p>22 Q And she -- and she said you said,</p> <p>23 No, I'm talking about that crazy bitch,</p>
<p style="text-align: right;">182</p> <p>1 A No, ma'am.</p> <p>2 Q So is she building a house?</p> <p>3 A We built a house.</p> <p>4 Q Okay. And -- are you living</p> <p>5 together now?</p> <p>6 A Yes, ma'am.</p> <p>7 Q All right. And are y'all going</p> <p>8 to move into that house together?</p> <p>9 A We're already moved into that</p> <p>10 house.</p> <p>11 Q Okay. Well, all right. So you</p> <p>12 trusted Stephanie and you trusted Mary</p> <p>13 Brooks out of everybody at the plant; is</p> <p>14 that right?</p> <p>15 A That's who I -- that's who I</p> <p>16 knew.</p> <p>17 Q All right. Can you tell me did</p> <p>18 you have any other -- any other buddies?</p> <p>19 A Not really, no, ma'am. I spoke</p> <p>20 to everybody, but that's as far as I do.</p> <p>21 Q Did you ever refer to my client,</p> <p>22 Linda Thornton, as a bitch?</p> <p>23 A Yes, ma'am.</p>	<p style="text-align: right;">184</p> <p>1 Linda Thornton?</p> <p>2 A Not that I recall, ma'am.</p> <p>3 Q Did you tell Tommy Nance that you</p> <p>4 had referred to my client as a -- a bitch?</p> <p>5 A I don't remember if I did or not,</p> <p>6 ma'am. I really don't.</p> <p>7 Q What was your reason for calling</p> <p>8 her a bitch?</p> <p>9 A Could you specifically ask like</p> <p>10 what event happened or something like that,</p> <p>11 ma'am, like in a question?</p> <p>12 Q Yeah. I mean, why did you call</p> <p>13 her a bitch? I don't think -- you didn't</p> <p>14 consider her a female dog, I take it?</p> <p>15 A No, ma'am.</p> <p>16 Q Well, why were you calling her a</p> <p>17 bitch, then?</p> <p>18 A I was just aggravated at the</p> <p>19 time. I was walking off and it aggravated</p> <p>20 me and I walked off. I called her that and</p> <p>21 I walked off.</p> <p>22 Q Did you ever call a man to his</p> <p>23 face out there a son of a bitch?</p>



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<p style="text-align: right;">185</p> <p>1 A No.</p> <p>2 Q A bastard?</p> <p>3 A Not that I recall.</p> <p>4 Q So why did you elect to call --</p> <p>5 to tell Linda Thornton -- call her a bitch</p> <p>6 when you got aggravated with her?</p> <p>7 MS. SWAIN: Objection. He's</p> <p>8 answered that question.</p> <p>9 A Because I was aggravated. And I</p> <p>10 was wrong for what I did.</p> <p>11 Q Is that how you refer to women</p> <p>12 that aggravate you?</p> <p>13 MR. CRUM: Object to the form.</p> <p>14 A No, ma'am.</p> <p>15 Q Why -- why Linda, then?</p> <p>16 A I don't know, ma'am. I just --</p> <p>17 it just happened.</p> <p>18 Q Were you ever trained on how to</p> <p>19 train someone?</p> <p>20 A No, ma'am.</p> <p>21 Q When did you first start training</p> <p>22 people?</p> <p>23 A Probably about -- I'm going to</p>	<p style="text-align: right;">187</p> <p>1 machine out there.</p> <p>2 Q Did that change at some point?</p> <p>3 A Sometimes within, like, two to</p> <p>4 three months or something like that or maybe</p> <p>5 it was -- I don't know exactly how long it</p> <p>6 was, but they did put a new machine there.</p> <p>7 Q Now, did line five have a new</p> <p>8 machine?</p> <p>9 A It was about a year old, maybe.</p> <p>10 Q Okay. Are you sure about that?</p> <p>11 A Not exactly sure, but it was</p> <p>12 about a year old. It might have been a</p> <p>13 little bit more. Not much more.</p> <p>14 Q Was -- was it replaced soon after</p> <p>15 Linda left or at some point after Linda</p> <p>16 left?</p> <p>17 A No, ma'am. It's still out there</p> <p>18 now, as far as I know.</p> <p>19 Q The label machine on five is?</p> <p>20 A As far as I know, it still is. I</p> <p>21 really don't know.</p> <p>22 Q Did -- did -- were there problems</p> <p>23 with the machine on line three because it</p>
<p style="text-align: right;">186</p> <p>1 say about three years after I run the label</p> <p>2 machine on line three.</p> <p>3 Q When you worked with Linda on</p> <p>4 line three, when you first started working</p> <p>5 with her, was -- did she have an old or a</p> <p>6 new label machine?</p> <p>7 A Can you refer back to what -- are</p> <p>8 you talking about maybe when I trained her</p> <p>9 the first time?</p> <p>10 Q No. I'm talking about when --</p> <p>11 the second time --</p> <p>12 A Oh, yes. It was --</p> <p>13 Q Because we don't know whether you</p> <p>14 worked with her --</p> <p>15 A Okay.</p> <p>16 Q -- the first time.</p> <p>17 A It was an old machine --</p> <p>18 Q Okay.</p> <p>19 A -- when she first started.</p> <p>20 Q Was it the oldest or raggediest</p> <p>21 machine, as we say?</p> <p>22 A At the time, yes, ma'am, it was</p> <p>23 the oldest machine out there, oldest label</p>	<p style="text-align: right;">188</p> <p>1 was raggedy?</p> <p>2 A The old one?</p> <p>3 Q Yeah.</p> <p>4 A Well, there was a -- all I can</p> <p>5 answer is me and Bruce Cassady didn't have</p> <p>6 as many problems as everybody else, and that</p> <p>7 was because I ran that machine for three</p> <p>8 years and Bruce was just good at the label</p> <p>9 machines. But everybody else had a lot of</p> <p>10 problems with it. It wasn't just certain</p> <p>11 people. I mean everybody had a lot of</p> <p>12 problems with it.</p> <p>13 Q Everybody being whom?</p> <p>14 A Whoever came over there to train,</p> <p>15 whoever came over there, you know, at like</p> <p>16 night shift. They -- whoever. They just</p> <p>17 had problems with it.</p> <p>18 Q Well, I mean, do you -- other</p> <p>19 than Linda, do you remember anybody else who</p> <p>20 worked with the machine that had trouble</p> <p>21 with it?</p> <p>22 MR. CRUM: Object to the form.</p> <p>23 A I'm trying to think of his name,</p>

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1 Jody something. That was when he first  
 2 started. Butch Cassidy had problems with  
 3 it, but that was when I had first started.  
 4 Q When you first started working  
 5 there?  
 6 A Yeah, that was when I first  
 7 started working there.  
 8 Q So was it old when you first  
 9 started working there?  
 10 A I don't know how old it was when  
 11 I first started working there. I really  
 12 don't know how long it had been there, but,  
 13 I mean, those machines, they just ran pretty  
 14 bad but --  
 15 Q Tell me what -- what you mean by  
 16 ran badly or there -- the people had trouble  
 17 with it.  
 18 A I mean, I can't explain how to --  
 19 there was just certain little things you had  
 20 to turn, figure out what to turn, or how to  
 21 adjust the height of the belt to make it  
 22 run. I mean, there was just certain tedious  
 23 things that you had to wait and figure out

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1 what to do with them before it would  
 2 actually run. And most of the newer  
 3 machines, they're not that bad to run. I  
 4 mean, they don't break down as much.  
 5 Q Well, did you and Linda ever have  
 6 any discussions with Melvin and/or Chris  
 7 Jordan about the machines breaking down or  
 8 her stopping the machine?  
 9 A I don't -- I didn't. I know I  
 10 don't ever remember having any conversation  
 11 like that.  
 12 Q Do you ever have -- remember  
 13 having any conversations with Melvin and  
 14 Chris and -- and Linda concerning dispute  
 15 resolution?  
 16 MR. CRUM: Object to the form.  
 17 A Can you explain what you mean by  
 18 that? I'm sorry. I'm trying to understand  
 19 what your -- what the question is.  
 20 Q I -- I -- I agree with you. I  
 21 suspect nobody uses the words dispute  
 22 resolution.  
 23 A I don't know.

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1 Q Do you have any recollection of  
 2 there being a meeting with you and Chris  
 3 Jordan and Linda Thornton where it was  
 4 discussed that y'all needed to get along  
 5 better and not fuss and fight when you ran  
 6 the machine?  
 7 A I don't remember that. That  
 8 don't mean it wasn't -- didn't happen, but I  
 9 don't remember nothing like that happening.  
 10 Q Do you ever remember having an --  
 11 an altercation or a situation where you were  
 12 hollering at Linda because you told her to  
 13 -- that she was off the rails or something?  
 14 A Not that I can recall.  
 15 Q What does that mean --  
 16 A Now, I don't remember. The rails  
 17 are what the cans runs on. I mean, if I  
 18 told her the -- the cans were off the rail,  
 19 I would say, Look, the cans are off the  
 20 rail. You need to move the cans over --  
 21 move the rails over or something. There's  
 22 no reason to holler about something like  
 23 that because that's easy, something easy to

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1 fix.  
 2 Q Well, tell me what was the reason  
 3 you were hollering at her and cursing her  
 4 that resulted in you calling her a bitch and  
 5 you getting written up for using profanity.  
 6 MR. CRUM: Object to the form.  
 7 MS. SWAIN: Objection.  
 8 A I -- I -- she had went to break.  
 9 I came -- I was running errands for my  
 10 supervisor. She had asked me to go to break  
 11 and I was trying to let another employee let  
 12 her go to break because I was busy. She  
 13 insisted I do it, so I came in there. She  
 14 was having problems with the machine and  
 15 when I went in there, I was still having  
 16 problems with the machine. By the time she  
 17 got back, I had got the machine working, but  
 18 there was a lot of rework where there was a  
 19 lot of bad labels on it. And there was a --  
 20 some kind of inspection going on, and Chris  
 21 Jordan, my supervisor, had told me to get  
 22 stuff -- certain stuff up and I had to go do  
 23 that. And she came back and she was upset

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<p style="text-align: right;">193</p> <p>1 at me because there was a lot of cans, a lot 2 of stuff, and I -- you know, I couldn't do 3 it. And that escalated into her dad-gum -- 4 her raising her voice at me and then me 5 raising my voice, you know, back and then, 6 you know, I -- I just finally walked off and 7 said, I just can't do your work, bitch, I 8 mean --</p> <p>9 Q You didn't say fuck it?</p> <p>10 A No.</p> <p>11 Q Did you use the word "fuck" 12 during your so-called altercation?</p> <p>13 A No, ma'am.</p> <p>14 Q Okay. You believed that 15 Katherine Long is a good Christian woman; 16 right?</p> <p>17 A Yes, ma'am.</p> <p>18 Q I'll show you what's been marked 19 as Plaintiff's Exhibit Number 5. Will you 20 read that.</p> <p>21 MS. ROBERTSON: Have you seen 22 that?</p> <p>23 Q Do you see where Katherine Long</p>	<p style="text-align: right;">195</p> <p>1 memory that you used the F word?</p> <p>2 A No, ma'am. I don't remember 3 saying the F word. I -- I -- I know what I 4 called her and if I said the F word, I don't 5 remember saying the F word.</p> <p>6 Q Well, other than calling her a 7 bitch, what else do you recall that was 8 profanity?</p> <p>9 A There was nothing else. That's 10 all I remember saying.</p> <p>11 Q Is that what you told Tommy 12 Nance?</p> <p>13 A I don't remember what I told 14 Tommy Nance, ma'am.</p> <p>15 Q Well, you think you might have 16 remembered more that day than you do now?</p> <p>17 A I don't know, ma'am.</p> <p>18 Q Well, you -- you wouldn't have 19 told him -- would you have told him 20 something other than the truth?</p> <p>21 A I told him the truth. There was 22 no reason to lie.</p> <p>23 Q All right. And -- and -- then</p>
<p style="text-align: right;">194</p> <p>1 said she heard you use the F word during 2 that altercation?</p> <p>3 A Yes, ma'am.</p> <p>4 Q So would you like to reconsider 5 your testimony that you didn't use the F 6 word?</p> <p>7 A No, ma'am. I don't remember 8 using the F word. That don't mean -- you 9 know, I don't remember using the F word.</p> <p>10 Q I will show you what's been 11 marked as Plaintiff's Exhibit Number 6. Do 12 you know Tamekia Cook?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Who is Tamekia Cook?</p> <p>15 A She works on line three.</p> <p>16 Q Do you know of any reason that 17 she would lie about the incident involving 18 you and Linda?</p> <p>19 A No, ma'am.</p> <p>20 Q All right. Well, did -- did she 21 say that you used the F word?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Okay. Does that refresh your</p>	<p style="text-align: right;">196</p> <p>1 the truth as you knew it was that you called 2 her a bitch but you don't remember anything 3 else?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 MR. CRUM: Object to the form.</p> <p>6 A I don't remember dad-gum calling 7 her nothing else.</p> <p>8 Q Or saying or doing anything else?</p> <p>9 A I walked off.</p> <p>10 Q Threatening, intimidating, 11 whatever those words were, coercive?</p> <p>12 A No, ma'am. No, ma'am.</p> <p>13 Q Do you recall ever having any 14 conversations with Melvin and Chris and 15 Linda Thornton concerning y'all's 16 relationship, if you will?</p> <p>17 A No, ma'am.</p> <p>18 Q And I'm -- I'm not suggesting -- 19 I'm -- I'm talking about any kind of 20 relationship. I'm not talking about like 21 romantic. I'm talking about friends, 22 co-workers, you know, supervisors. I'm 23 talking that kind of relationship. I'm not</p>

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<p style="text-align: right;">197</p> <p>1 suggesting that there was a --</p> <p>2 A No, ma'am.</p> <p>3 Q You never remember having any</p> <p>4 conversation?</p> <p>5 A No, ma'am.</p> <p>6 Q Why did y'all have -- did -- did</p> <p>7 y'all have to carry walkie-talkies?</p> <p>8 A Yes, ma'am, team leader and</p> <p>9 supervisors.</p> <p>10 Q All right. And what were the</p> <p>11 walkie-talkies for?</p> <p>12 A I guess so they could keep up</p> <p>13 with where you are if they had a problem on</p> <p>14 the line.</p> <p>15 Q Who keep up with you?</p> <p>16 A All the supervisors and know</p> <p>17 where everybody is.</p> <p>18 Q Did -- did you ever get counseled</p> <p>19 or corrected for not having your</p> <p>20 walkie-talkie?</p> <p>21 A Yes, ma'am.</p> <p>22 Q How many times?</p> <p>23 A Quite a few.</p>	<p style="text-align: right;">199</p> <p>1 A Yes, ma'am.</p> <p>2 Q -- incident?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Well, you didn't tell them you</p> <p>5 didn't have your radio because of the hot</p> <p>6 oil, did you?</p> <p>7 A No. Because I told them like it</p> <p>8 was. The first thing in the morning you can</p> <p>9 have a radio -- well, I couldn't because it</p> <p>10 was locked up in the production office. But</p> <p>11 you were talking about all day long. I</p> <p>12 mean, I used to didn't have it on all day</p> <p>13 long. That's what I thought you were</p> <p>14 talking about, ma'am. So, yes, ma'am, I was</p> <p>15 wrote up for that and I started keeping it</p> <p>16 on.</p> <p>17 Q So this was -- this was a</p> <p>18 write-up that you forgot about; right?</p> <p>19 A I don't even know if that's a</p> <p>20 write-up or what because they -- I didn't</p> <p>21 sign it or nothing. I didn't know if that</p> <p>22 went in my jacket or what. There was a lot</p> <p>23 of them.</p>
<p style="text-align: right;">198</p> <p>1 Q And why -- why were you not --</p> <p>2 didn't have your walkie-talkie?</p> <p>3 A Because I was cooking at the time</p> <p>4 and I was around hot oil and, you know, it</p> <p>5 was real bulky and I couldn't reach into</p> <p>6 where the oil was. You know, I was afraid</p> <p>7 it might fall in there and might bust and --</p> <p>8 I counseled, though, for it and I did start</p> <p>9 wearing it.</p> <p>10 Q Is that the reason you gave was</p> <p>11 you didn't want it around hot oil?</p> <p>12 A No. I just didn't want it where</p> <p>13 it was going to fall off me and bust and all</p> <p>14 that. That's what I told them. I --</p> <p>15 (Plaintiff's Exhibit Number</p> <p>16 20 was marked for identification</p> <p>17 and attached to the deposition.)</p> <p>18 BY MS. ROBERTSON:</p> <p>19 Q I want to show you what's been</p> <p>20 marked as Plaintiff's Exhibit --</p> <p>21 MS. ROBERTSON: What number?</p> <p>22 THE COURT REPORTER: 20.</p> <p>23 Q -- 20. Do you recall that --</p>	<p style="text-align: right;">200</p> <p>1 (Plaintiff's Exhibit Number</p> <p>2 21 was marked for identification</p> <p>3 and attached to the deposition.)</p> <p>4 BY MS. ROBERTSON:</p> <p>5 Q What is that, please, sir?</p> <p>6 A I have to read it, ma'am.</p> <p>7 Q Plaintiff's Exhibit Number 21.</p> <p>8 A They was just telling me what I</p> <p>9 needed to work on.</p> <p>10 Q Okay. And you got the write-up</p> <p>11 for not having your radio on October of</p> <p>12 2006; right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Do you know if you had any</p> <p>15 write-ups in between this one and this one?</p> <p>16 MR. CRUM: I just object to the</p> <p>17 form. I don't know that that's a</p> <p>18 write-up.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 MS. SWAIN: Yeah, same objection</p> <p>21 to the characterization.</p> <p>22 A Because I don't think that's a</p> <p>23 write-up. That -- that -- they was just</p>



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<p style="text-align: right;">201</p> <p>1 letting me know what I needed to work on, 2 ma'am. 3 Q All right. Well -- 4 A That's not really a write-up. 5 Q Well, Plaintiff's Number 21 says, 6 I need you to wear a radio every day. At 7 least once you were told that -- after that 8 you were not -- didn't have your radio; 9 correct? 10 A I don't understand. Is this a 11 different date? 12 Q Well -- 13 A That's what I'm saying, ma'am. 14 Q Yeah. This -- this predated -- 15 Plaintiff's Exhibit Number 21 is dated 16 December of 2005. 17 A Okay. 18 Q Plaintiff's Exhibit Number 20 is 19 dated October of 2006. You were told in 20 2005 you needed to have your radio on every 21 day; right? 22 A Yes, ma'am. 23 Q So when -- on Plaintiff's Exhibit</p>	<p style="text-align: right;">203</p> <p>1 A I didn't ignore them, ma'am. I 2 was the first one in every morning. There 3 was nobody else in to let me in and by the 4 time everybody else got in, I was already on 5 the line working and I couldn't just leave 6 the line to go get a radio. That's what I'm 7 trying to say. I -- I couldn't just leave 8 my line running while I was running the 9 filler or running the cook. I mean, I 10 couldn't just leave to go get a radio. 11 Q I thought you were -- I mean, 12 what -- what job did you have as team 13 leader? 14 A Whatever is called upon me. I 15 mean, if I have to run the label machine, I 16 have to run the label machine. If I have to 17 run the filler, I have to run the filler. 18 If somebody calls out, I have to do their 19 job. If somebody goes somewhere for the 20 day, I have to do their job. Whatever needs 21 to be done to keep the line running, that 22 was my job. 23 Q Were you ever corrected for --</p>
<p style="text-align: right;">202</p> <p>1 Number 20 when you didn't have your radio 2 on, you were being insubordinate; correct? 3 MR. CRUM: Object to the form. 4 MS. SWAIN: Objection. 5 A I don't feel like I was, ma'am. 6 Q Well, your supervisor told you to 7 do something and you didn't; right? What do 8 you consider that? 9 MR. CRUM: Object to the form. 10 MS. SWAIN: Objection. 11 A All I consider is that I couldn't 12 get to the radio because it was not where I 13 could get it that morning. 14 Q Was that a -- a situation that 15 occurred all the time? 16 A Every morning, ma'am. 17 Q So you ignored them every 18 morning? Is that what you did? 19 MR. CRUM: Object to the form. 20 That's not what he said. 21 MS. SWAIN: Objection. 22 MS. ROBERTSON: Well, I'm just 23 trying to find out.</p>	<p style="text-align: right;">204</p> <p>1 for not letting the other people do the work 2 and do -- 3 A Yes, ma'am. 4 Q -- trying to do it yourself? 5 A Yes, ma'am. 6 Q Okay. And -- and what -- what 7 brought that on? 8 A Because I was trying to make sure 9 the line ran and I -- I worked -- I went in 10 there and helped them out and done the job, 11 you know, instead of actually just letting 12 them learn it. 13 Q Were you ever corrected for not 14 making sure other people were doing their 15 job? 16 MR. CRUM: Object to the form. 17 A I guess they was for not cleaning 18 or not running the label machine like 19 they're supposed to or not running the -- 20 I -- I really probably -- and I don't think 21 I was wrote up. I was probably talked to 22 about it but not wrote up. 23 (Plaintiff's Exhibit Number</p>



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<p style="text-align: right;">205</p> <p>1 22 was marked for identification 2 and attached to the deposition.) 3 BY MS. ROBERTSON: 4 Q Plaintiff's Exhibit Number -- 5 A That one right there. 6 Q -- 22. You were corrected for 7 not making sure Mary Brooks, your best 8 buddy, was doing her job; right? 9 MR. CRUM: Object to the form. 10 MS. SWAIN: Objection. 11 Q Well, you -- you just told me 12 that you only had two people out there that 13 you trusted and one of them was Mary Brooks; 14 correct? Correct? 15 A As far as I know, she was doing 16 her job, ma'am, and I -- 17 Q Well -- 18 A And I explained that to him, too, 19 ma'am. 20 Q -- I didn't ask you that. But 21 you were written up or a memo was put in 22 your file -- 23 A Yes.</p>	<p style="text-align: right;">207</p> <p>1 MS. ROBERTSON: Whatever because 2 apparently you've gotten by with 3 unshirted murder out there. 4 MR. CRUM: Don't answer anything. 5 Object to the question. 6 MS. SWAIN: That's not 7 appropriate. 8 MS. ROBERTSON: Well, what he did 9 was not appropriate either. I was just 10 responding to it. 11 BY MS. ROBERTSON: 12 Q Were you corrected again for not 13 having your telephone -- I mean your radio? 14 A Apparently so, ma'am. I can't 15 remember that but -- 16 Q All right. Now, that was after 17 Plaintiff's Exhibit Number 21; right? 18 A Yes, ma'am. 19 Q But before Plaintiff's Exhibit 20 Number 20; right? 21 A Yes, ma'am. Apparently so. 22 Q And you told them in August of 23 2006 that you didn't have the -- your radio</p>
<p style="text-align: right;">206</p> <p>1 Q -- because you were not seeing 2 that Mary Brooks was doing her job; right? 3 A Yes, ma'am. 4 (Plaintiff's Exhibit Number 5 23 was marked for identification 6 and attached to the deposition.) 7 BY MS. ROBERTSON: 8 Q Plaintiff's Exhibit Number 3 9 (sic), what is this, please, sir? 10 MR. CRUM: Just read it. And 11 I -- you know, I don't know. He may or 12 may not have seen some of these things 13 before. I -- 14 MS. ROBERTSON: Well, thank you 15 for coaching him on that. I appreciate 16 it. You're earning your money that 17 Flavor House is paying you. 18 MR. CRUM: As much as I 19 appreciate that, when you characterize 20 it as write-ups and things -- 21 MS. ROBERTSON: Well, there was a 22 write-up discussion -- 23 MR. CRUM: Let him read it.</p>	<p style="text-align: right;">208</p> <p>1 because you were on the label machine. What 2 does that mean? 3 A That means I was running the 4 label machine at the time when they came -- 5 when they came in and opened the doors, I 6 was on the machine. I couldn't just get off 7 the line to go get it. 8 Q Well, had you started work 9 without it? I thought you were supposed to 10 get it at the beginning of the day. 11 MR. CRUM: What difference does 12 it make if he had his radio or not? 13 MS. ROBERTSON: Because he's 14 being insubordinate and they don't do 15 anything to him except let him sit out 16 there and harass Linda and then Jonnie. 17 I don't know what it means. They're the 18 ones who are counseling him. 19 Q Now, it says you walked down to 20 line three and he asked what I was doing 21 about capper on line three. What -- the 22 question was not the issue. It was the 23 expression and the carefree attitude in</p>

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<p style="text-align: right;">209</p> <p>1 which he asked it. Also, I asked him why he  2 didn't have his radio on. At this point, it  3 appeared that the issues addressed the  4 previous day were an issue today. I asked  5 Melvin to meet with me -- with us to bring  6 this out in the open. When I addressed them  7 with Frank Williams, he had excuses --  8 excuses and reasons for everything. I  9 explained to Frank that whatever happened  10 yesterday did not reflect on his work today.  11 Again, Frank explained that I was mistaken.  12 Do you recall what issues had been  13 brought forth, as they said, the day before?  14 MR. CRUM: Object to the form.  15 A No, ma'am, I do not.  16 Q Was -- was anything about your  17 radio an issue?  18 MR. CRUM: Object to the form.  19 A I don't -- I don't recall, ma'am.  20 Q What was your concern about a  21 capper?  22 A I don't remember, ma'am. I don't  23 even remember seeing that, so I really don't</p>	<p style="text-align: right;">211</p> <p>1 A Yes, ma'am.  2 MR. CRUM: Sit up.  3 MS. ROBERTSON: 23?  4 (Plaintiff's Exhibit Number  5 24 was marked for identification  6 and attached to the deposition.)  7 BY MS. ROBERTSON:  8 Q I'll show you what's been marked  9 as Plaintiff's -- Plaintiff's Exhibit Number  10 23 -- oh, wait. I just -- no, that was 23.  11 Excuse me. I already marked this 24. After  12 I showed you all what I've done marked as --  13 we're at Plaintiff's Exhibit 24.  14 Had you been asked to -- to make sure  15 your paperwork was done and they were  16 correcting you or conversating with you  17 about not having your paperwork done?  18 A Yes, ma'am.  19 Q Did you have any anger management  20 courses at -- in prison?  21 A Not that I can recall, ma'am.  22 Q Did you have any courses  23 concerning sex offenders?</p>
<p style="text-align: right;">210</p> <p>1 remember.  2 Q It said, Melvin then added that  3 whenever we tried to address any issues with  4 Frank, that Frank would show in his  5 expressions and actions that he was never in  6 the wrong just like he was doing now.  7 Did they talk to you about that, that  8 you never took responsibility or ownership  9 for anything that you did wrong?  10 MR. CRUM: Object to the form.  11 MS. SWAIN: Objection.  12 A Not that I can recall, ma'am.  13 Q What kind of paperwork were y'all  14 supposed to do?  15 A End of the day, you put -- make  16 sure your numbers were right, make sure your  17 orders done, make sure all the paperwork's  18 turned in to the people it's supposed to be  19 turned in to.  20 Q On Plaintiff's 21, in December of  21 2005, they were reminding you to make sure  22 your paperwork was done; right?  23 MR. CRUM: Object to the form.</p>	<p style="text-align: right;">212</p> <p>1 A Not that I can recall, ma'am.  2 (Plaintiff's Exhibit Number  3 25 was marked for identification  4 and attached to the deposition.)  5 BY MS. ROBERTSON:  6 Q I will show you what's been  7 marked as Plaintiff's Exhibit Number 25.  8 Did you know that part of your restitution  9 was to pay the psychology bill that was  10 incurred by Renae Lamberson?  11 A No.  12 MR. CRUM: Object to the form.  13 (Plaintiff's Exhibit Number  14 26 was marked for identification  15 and attached to the deposition.)  16 BY MS. ROBERTSON:  17 Q Plaintiff's Exhibit Number 6, did  18 you -- 26, did you know that your -- part of  19 your restitution was to pay back the  20 psychological bill incurred by Francis  21 Wilkerson?  22 MR. CRUM: Object to the form.  23 MS. SWAIN: Objection.</p>

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<p style="text-align: right;">213</p> <p>1 A No, ma'am.  2 (Plaintiff's Exhibit Number  3 28 was marked for identification  4 and attached to the deposition.)  5 BY MS. ROBERTSON:  6 Q Did you know that part of your  7 restitution was to pay for psychological  8 treatment of Amber Nelson, 28?  9 MR. CRUM: Object to the form.  10 MS. SWAIN: Objection.  11 THE COURT REPORTER: 27. Make  12 this 27, the next one.  13 A No, ma'am.  14 MS. ROBERTSON: 20?  15 THE COURT REPORTER: Make this  16 27. Then we'll go to 29.  17 MS. ROBERTSON: Okay.  18 (Plaintiff's Exhibit Number  19 27 was marked for identification  20 and attached to the deposition.)  21 MR. CRUM: Do you want him to  22 look at that?  23 MS. ROBERTSON: Yeah.</p>	<p style="text-align: right;">215</p> <p>1 A I know a Leigh Allums.  2 Q All right. Who is she?  3 A I don't know her specific  4 position, but she works at Flavor House.  5 Q Did you put her as a reference on  6 your Sara Lee application?  7 A Yes, ma'am.  8 Q So somebody from Flavor House  9 that had just told you you had to leave or  10 resign or be fired recommended you for a  11 job?  12 MS. SWAIN: Objection.  13 MR. CRUM: Object to the form.  14 A No, ma'am. I gave them to her as  15 a reference. They didn't reference me to a  16 job. I -- I gave them as a reference.  17 Q Right. And -- and -- and for the  18 purpose of -- for what? What -- what kind  19 of reference?  20 A For a work reference.  21 Q Why did you tell Sara Lee that  22 you left Flavor House?  23 A I resigned.</p>
<p style="text-align: right;">214</p> <p>1 BY MS. ROBERTSON:  2 Q Did you know that part of your  3 restitution was to pay so that Amber  4 Nelson -- who's that, Amber Nelson? -- could  5 have an HIV test and other sexually --  6 sexual --  7 MR. CRUM: Object to the form.  8 MS. SWAIN: Objection.  9 A No, ma'am.  10 MS. ROBERTSON: Let's take a  11 five-minute break.  12 THE VIDEOGRAPHER: We're off at  13 6:54:49.  14 (Whereupon, a short break was taken.)  15 THE VIDEOGRAPHER: Okay. We're  16 back on at 7:10:08.  17 BY MS. ROBERTSON:  18 Q Who is Leslie Allums?  19 A I don't know a Leslie Allums.  20 Q Do you know somebody named  21 Allums?  22 A Yes, ma'am.  23 Q Who? Leigh Allums?</p>	<p style="text-align: right;">216</p> <p>1 Q Did you tell them under what  2 circumstances?  3 A Not that I recall.  4 Q Did -- did they ask you whether  5 you had ever been convicted of a felony on  6 their application?  7 A I don't recall.  8 Q Do you recall -- well --  9 A No, I don't recall.  10 Q Why did you leave Sara Lee?  11 A Because it was too close to a day  12 care and I had -- I couldn't work there, so  13 I left.  14 Q How long did you work there?  15 A I can't remember exactly how long  16 it was, but until I -- when I -- when my --  17 the guy I reported to, he told me that I  18 could not work there and I left.  19 Q I see.  20 A He said he had to investigate it  21 when I went in and they dad-gum -- he told  22 me I couldn't work there and that same day I  23 left.</p>

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<p style="text-align: right;">217</p> <p>1 Q And you're talking about the guy 2 that you have to report to that you're a sex 3 offender? 4 MR. CRUM: Object to the form. 5 A Yes, ma'am. 6 Q And how close to a day care was 7 this Sara Lee plant? 8 A I -- I think it's close to 17 or 9 1,800 feet. 10 Q Well, I thought you didn't -- did 11 you consider that any of Sara Lee's business 12 that you were a sex offender? 13 MR. CRUM: Object to the form. 14 MS. SWAIN: Objection. 15 A I didn't -- if it didn't come up 16 on my application, no, ma'am, I didn't put 17 it in. 18 Q All right. And so when you did 19 your interrogatories, you said you worked at 20 Sara Lee. Let me see. When you said you 21 started in September of 2007 and you signed 22 these interrogatories -- I mean, yeah. Your 23 lawyer signed them in February of 2008. So</p>	<p style="text-align: right;">219</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA: 4 COUNTY OF BUTLER: 5 6 I hereby certify that the above and 7 foregoing deposition was taken down by me in 8 stenotype and the questions and answers 9 thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am neither of 15 counsel, nor of kin to the parties to the 16 action, nor am I in anywise interested in 17 the result of said cause. 18 19 20 RENNY MCNAUGHTON 21 Certified Court Reporter 22 License Number: ACCR #:411 23</p>
<p style="text-align: right;">218</p> <p>1 you at least worked there for September, 2 October, November, December, January, 3 February. Does that sound about right? 4 MS. SWAIN: Objection. 5 A I have no idea, ma'am. That's -- 6 it's a possibility. 7 Q Did you know about the rule that 8 you as a sex offender could not work within 9 a certain distance of a day care center? 10 A Yes, ma'am, I did. 11 Q Why did you take the job at Sara 12 Lee if you knew that? 13 A I didn't know there was a day 14 care there. 15 MS. ROBERTSON: I think that's 16 all I have. 17 MS. SWAIN: Okay. 18 MS. ROBERTSON: Go home and do 19 whatever you want to do. 20 THE VIDEOGRAPHER: This concludes 21 the deposition. The time is 7:13:50. 22 DEPOSITION CONCLUDED 23</p>	



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367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

State of Alabama  
Unified Judicial System

Form C-64

Rev 10/88

**COMPLAINT AND  
WARRANT**THE DISTRICT COURT  
CASE NO.

20-91-572

I, the undersigned Judge/Clerk/Magistrate of The District Court of BARBOUR County, Alabama, personally appeared Braxton McLain who being by me first duly sworn deposes and says that he/she has probable cause for believing, and does believe that within twelve months within said County on or about (date) in July and August 1989 one Franklin Williams Jr. did engage in sexual intercourse with Jennifer McLain, who was 14 years of age, the said Franklin Williams, Jr. being 18 years of age in violation of 13A-6-62 of the Code of Alabama

**PLAINTIFF'S  
EXHIBIT**

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against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 5th  
day of September, 19 91.

Judge/Clerk/Magistrate of District Court

Complainant's Signature

**STATE OF ALABAMA**  
Barbour COUNTY**WARRANT OF ARREST****THE DISTRICT COURT**

BY MY LAWFUL OFFICER OF THE STATE OF ALABAMA:

are thereof commanded to arrest Franklin Williams Jr. and bring him/her before the DISTRICT COURT OF BARBOUR COUNTY, to answer the State of Alabama on a charge of Rape, 2nd Degree- Class B Felony- Court 10-8-91 at 9 A.M. - Eufaula and have you then and there this writ with your return thereon

Dated this 5TH day of September, 19 91

The Sheriff will take bond in the sum of \$ \_\_\_\_\_

Judge/Clerk/Magistrate of District Court

WARRANT NO. \_\_\_\_\_

**STATE WITNESSES****WARRANT OF ARREST**  
THE DISTRICT COURT OF

Barbour COUNTY

THE STATE OF ALABAMA

v.

Franklin Williams Jr.

Braxton McLain-  
Jennifer McLainBecky Dowling- Human Resources, AL  
Lynn Baker- Human Resources  
Ike Moss- DA's Office- Euf., AL

Executed the within Warrant by Arresting  
the within named Defendant and  
Taking Appearance Bond  
Committing Defendant to Jail

This 6th day of  
September, 19 91

By M. J. Moss Sheriff  
Deputy Sheriff

Race: W Sex: M Height:

Weight: Eye Color:

DOB: 5-25-71

DL No.:

S. S. Number:

Employment:

## MEMORANDUM

DATE: August 1, 2006  
TO: Frank Williams  
FR: Tommy Nance  
RE: 2<sup>nd</sup> Step – Written Warning

INCIDENT  
OCCURRED ON  
7/27/06

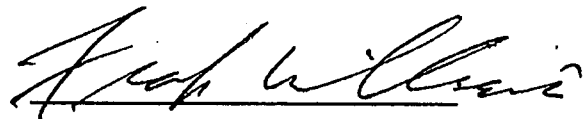
On July 27, 2006, there was an incident involving yourself and another employee. You acted in a way not consistent with the expectations of a Team Leader. You must learn to control your temper and direct the employees on the line without displaying actions that could be construed as rude, intimidating, or disrespectful. In order to remain in the Team Leader position, we must see improvement in your employee relations skills.

Failure to follow the company policy has resulted in you receiving this **Written Warning – 2<sup>nd</sup> Step**. Any future violations will result in additional disciplinary action up to and including termination.

 8/2/06

Tommy Nance

Human Resources Manager



Frank Williams

(Signature acknowledges  
Receipt of this document  
only.)

PLAINTIFF'S  
EXHIBIT

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DOCUMENTATION FORM

Employee Name: Jonnie Nickerson

Investigating Supervisor: Chris Jordan / Eugene Date: 7-27-06

Present: \_\_\_\_\_

Who was involved: Frank Williams

Witness (s): No witness as far as she knows.

Date of incident: 7-27-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): 9:40am.

\*What happened: Jonnie N. was on the label machine and Frank W. came out on the line and ~~said~~<sup>sed</sup> to me over time I come back the ~~label~~ <sup>label</sup> machine is stuck up and saying is to me I told him I didn't put my hand on the label machine

PLAINTIFF'S  
EXHIBIT

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Did this result in down time? no If yes how much?

Did this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.



File - Frank Williams

(72)

## DOCUMENTATION FORM

Employee Name: Frank WilliamsInvestigating Supervisor: Chris Jordan / Frank Eugene Date: 7-27-06

Present: \_\_\_\_\_

Who was involved: Jennie Nickerson**PLAINTIFF'S  
EXHIBIT**

Witness (s): \_\_\_\_\_

Date of incident: 7-27-06Where did it take place: Line 3 Label Machine

When did it take place (time and day): \_\_\_\_\_

What happened: The label machine was messing up  
really bad. me & Bruce was working on it  
I turned around and asked Jennie to help with  
the rework that was bad labels she told me  
to hold up so I asked her to please go  
and help. I seen that she was way  
behind on her label checklist sheet  
so I left it alone. I explained  
to her that to keep the label machine

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

CONFIDENTIAL

FH000812

running. She would have to push the table  
and help keep the Cans running. She told me that  
( she could not do more than one thing at a time ~~at~~  
~~if~~ I explained that it would help. But she will not  
do it. It has cause a lot of problems with the table  
staying full. A lot of the problems I am having  
with my Employees is. My Supervisor tell me  
to tell them something to do I tell them and  
If they don't like it they turn around and  
( tell something on me because I told them to do  
their job. So I get in ~~trouble~~ trouble

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LINDA THORNTON,

*Plaintiff,*

Vs.

FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, Jr.,

*Defendant.*

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CIVIL ACTION NO.: 1:07cv712-WKW

**DEFENDANT, FRANKLIN D. WILLIAMS, JR.'S**  
**SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES**

COMES NOW THE DEFENDANT, Franklin D. Williams, Jr. ("Williams"), and hereby  
files his Supplemental Response to the First Interrogatories of the Plaintiff, stating as follows:

**INTERROGATORIES**

1. State your full name (any other name by which you have been known), work and  
home address, work and home telephone number, date of birth, social security number, and your  
other previous home address (if any) within the past five years.

**RESPONSE:**

This Defendant, Franklin D. Williams, hereby objects to the above  
interrogatory, as same is ambiguous, vague, overbroad and unduly  
burdensome. Otherwise, said request appears to seek information  
which is neither relevant nor material to the pending litigation.  
However, without waiving said objection and in an attempt to  
respond, this Defendant states:

Franklin D. Williams, Jr.  
1408 North Broad Street  
Cowarts, Alabama 36321

DOB: 5/25/1971  
SSN: 417-02-3546

PLAINTIFF'S  
EXHIBIT

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2. Please identify the names, ages, addresses, telephone numbers, and employers of any and all persons who are related to you by blood or marriage (former and/or current) living in Alabama (and for each identify their relationship to you) and of any person who has resided with you, including any person who currently resides with you.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is ambiguous, vague, overbroad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation. However, without waiving said objection and in an attempt to respond, this Defendant states:

Jonathon Williams, brother, Flavor House; Candy Williams, wife, Flavor House; Sandra W. Hutto, sister, lives in Eufaula, Al.; Donna Green, sister, lives in Midland City, Al.; Jennifer Carol, sister, lives in Dothan, Al.; Pricilla Green, mother, lives in Cowarts, Al.; Frank Williams, father, lives in Eufaula, Al.; Betty Williams, step-mother, lives in Eufaula, Al.. Otherwise, the Defendant cannot recollect any other person(s) relative to the above Interrogatory.

This response will be supplemented as appropriate.

3. Please state your educational background and other occupational training history, including the names, locations, and dates of attendance for each high school, college, technical or vocational school, junior college, or other educational institution that you have attended. For each such school or institution listed, please state any degree, diploma, certification, or other indication of completion that you received. If no degree or certificate was received from any institution identified, identify each of the courses taken at that institution.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation.

However, without waiving said objection and in an attempt to respond, this Defendant states:

**I obtained a GED in approximately 1994.**

4. Please identify every employer (or principal, if you have ever worked as an independent contractor) you have had or currently have. Each such employer or principal should be identified by name, address, business telephone number, specific employment dates, the name of your immediate supervisor, the position(s) you held or hold, your job title and responsibilities, your rate of pay with that employer, and the reasons for separation from each such employer or principal.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation. However, without waiving said objection and in an attempt to respond, this Defendant states:

**I am presently employed with Sara Lee, and have been so employed since approximately September 21, 2007. I work there as a pan-setter. Prior to my employment with Sara Lee, I worked for the Defendant, Flavor House Products, Inc., as a team leader. My last general supervisors during my employment there were Chris Jordan, Melvin Hutchins, Sammy Stewart, Eugene Andrews and Ricky Smothers. I continued there for six (6) years and eleven (11) months until the Plaintiff's false, untrue and slanderous allegations against me resulted in my termination.**

**Additionally, prior to the above-listed employment, I worked as a sanitation supervisor in Baker Hill, Al. for C.P. during the early 1990's. This employment lasted approximately a year and three months.**

**I worked as an order puller in Cowarts, Al., for Dairy Fresh during the early to mid-1990's. This employment lasted approximately one year.**



I worked as an order puller in Dothan, Al. for Coca-Cola Bottling Company (no longer operates in Dothan, Al.) for approximately one and six months.

Otherwise, the Defendant cannot recollect any other employers or information regarding said employers, which is relative to the above Interrogatory.

This response will be supplemented as appropriate.

5. Have you ever been convicted of and/or pled guilty or "no contest" to any crime or misdemeanor? If so, for each such conviction, please state the charge against you, the proximate date of the conviction, the jurisdiction and venue of the prosecution, and any fine, sentence, or other punishment imposed upon you for such conviction.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation.

Furthermore, the above interrogatory appears to seek information which may be privileged from disclosure for a variety of reasons.

However, without waiving said objection and in an attempt to respond, this Defendant states:

Yes. I was convicted of several sexual offenses in 1992 that occurred in Barbour County, Alabama.

Otherwise, no further response to the above interrogatory can be provided, as the information requested is not relevant to this lawsuit.

This response will be supplemented as appropriate.

6. Have you ever been charged with any crime or misdemeanor? If so, for each such charge, please state the nature of the charge against you, the proximate date of the charge, the jurisdiction and venue of the prosecution, and the dispensation of the charge.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation.

Furthermore, the above interrogatory appears to seek information which may be privileged from disclosure for a variety of reasons.

However, without waiving said objection and in an attempt to respond, this Defendant states:

Yes. I was convicted of several sexual offenses in 1992 that occurred in Barbour County, Alabama.

Otherwise, no further response to the above interrogatory can be provided, as the information requested is not relevant to this lawsuit.

This response will be supplemented as appropriate.

7. Please identify whether you have ever been a plaintiff or a defendant or a named party of any sort (including, but not limited to, personal injury, complaints on your behalf or on behalf of any dependent, employment actions, divorces, child custody actions, and/or bankruptcies). For each such action, please state whether you were the plaintiff or defendant, the name(s) of any lawyer(s) representing you; the name of the opposing party or parties and their counsel; the name, caption, court, docket, or case number, and jurisdiction/venue of the action or proceeding.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation.

Furthermore, the above interrogatory appears to seek information which may be privileged from disclosure for a variety of reasons.

However, without waiving said objection and in an attempt to respond, this Defendant states:

Yes.

I filed Bankruptcy in approximately 2002 or 2003. Otherwise, to the best of my knowledge and belief, I have had my wages garnished in Houston County, Alabama, by Army Aviation and possibly Southeast Alabama Medical Center. All garnishments have been paid in full.

This response will be supplemented as appropriate.

8. Please identify by name, last known business and home address and telephone number, employer, and synopsis of expected testimony or knowledge, each and every person that you believe has any knowledge of any facts or evidence regarding any of your defenses as set out in your Answer to the Complaint.

**RESPONSE:** This Defendant, Franklin D. Williams, hereby objects to the above interrogatory, as same is vague, ambiguous, overly broad and unduly burdensome. Otherwise, said request appears to seek information which is neither relevant nor material to the pending litigation.

Furthermore, the above interrogatory appears to seek information which may be privileged from disclosure for a variety of reasons. More specifically, the above request appears to violate the attorney-client privilege and requests information which was obtained in the anticipation of litigation. Said request also seeks information which is the work product of this Defendant's attorney and so, such information is not subject to discovery.

However, without waiving said objection and in an attempt to respond, this Defendant states:

This Defendant believes that the Plaintiff, as well as her family, friends, relatives, co-workers and associates, all have knowledge of the Plaintiff's unfounded and untrue allegations against me.

This Defendant also believes that any and all of the past and present employees of the Defendant, Flavor House Products, Inc., would have knowledge of the Plaintiff's own misconduct, her lack of professionalism, her inability to perform her job.

Specifically, this would include Catharine Long with Flavor House; Mary Brooke with Flavor House; Tamica Cook with Flavor House; and Linda Parker with Flavor House. Also, please see response to Interrogatory Two (Numbered 2).

**Otherwise, this Defendant cannot recollect any other information that is relative to the above Interrogatory.**

**This response will be supplemented as appropriate.**


9. Please identify every person from whom you or anyone acting on your behalf has taken an oral, recorded, or written statement about the events set forth in the Complaint or about any facts that you believe may be pertinent or relevant to or relates to your defenses as asserted in your Answer to the Complaint.

**RESPONSE: To the best of my knowledge and belief, there are none.**

10. Identify any written notes, diaries, letters documents, records, audio or video tapes, or physical evidence in which you or your counsel retained, which describe, reflect, or relate in any way to the events set forth in the Complaint or about or about any facts that you believe may be pertinent or relevant to or relates to your defenses as asserted in your Answer to the Complaint.

**RESPONSE: To the best of my knowledge and belief, there are none.**

The responses to the above interrogatories are true and correct to the best of my knowledge and belief.



Franklin D. Williams, Jr.

STATE OF Alabama )  
COUNTY OF Houston )

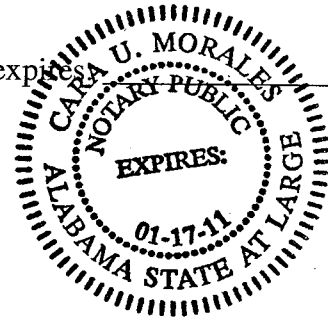
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Franklin D. Williams, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he has sworn and executed the same voluntarily on the day the same bears date.

Given under my hand this the 10<sup>th</sup> day of Jan, 2008.

Cara U. Morales  
Notary Public

SEAL

My commission expires



This the 20<sup>th</sup> day of February, 2008.

/s/ Richard E. Crum, Esq.  
Richard E. Crum, Esq.

Attorney for Defendant,  
Franklin D. Williams, Jr.

OF COUNSEL:  
Shealy, Crum & Pike, P.C.  
Post Office Box 6346  
Dothan, Alabama 36302-6346  
(334) 677-3000

**CERTIFICATE OF SERVICE**

I hereby certify I have this served a copy of the foregoing, electronically, properly addressed, to:

Bobbie S. Crook, Esq. ([bcrook100@aol.com](mailto:bcrook100@aol.com); [ald0071@aol.com](mailto:ald0071@aol.com))



Christine E. Howard, Esq. ([choward@laborlawyers.com](mailto:choward@laborlawyers.com); [dscott@laborlawyers.com](mailto:dscott@laborlawyers.com); [scandler@laborlawyers.com](mailto:scandler@laborlawyers.com))

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Christopher W. Weller, Esq. ([cww@chlaw.com](mailto:cww@chlaw.com); [anne@chlaw.com](mailto:anne@chlaw.com); [cheri@chlaw.com](mailto:cheri@chlaw.com); [roxie@chlaw.com](mailto:roxie@chlaw.com))

This the 20<sup>th</sup> day of February, 2008.

/s/ Richard E. Crum, Esq.  
Of Counsel

Christopher J.  
Jordan/NC/Ralcorp  
10/26/2006 04:32 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

Please place in personnel file:

On Tuesday, October 24, 2006 I had a meeting with Frank Williams. During this meeting I discussed how it appeared he had no sense of urgency. I explained that he needed to put on his radio first thing in the morning and notify everyone of what is happening on line 3. This would keep everyone informed and we would know that he is aggressively working on the problems. He stated that he could not wear his radio first thing in the morning because they were locked up in the production office. I instructed him to keep one in the processing supervisors office because they come in the same time he does and this would eliminate that problem.

PLAINTIFF'S  
EXHIBIT  
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CONFIDENTIAL

FH000864

# Memo

**To:** Frank Williams  
**From:** Chris Jordan  
**CC:** Melvin Hutchins  
Eugene Andrews  
Richard Holland  
**Date:** 12/13/2005  
**Re:** Job Performance

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I appreciate the job you are doing on Line 3. The numbers are up and we are making standard on a more normal basis. However, the following are a list of concerns that I need you to focus on in the upcoming weeks:


1. Work with the team members on the line on cleanliness. Too many times they are not as active in cleaning the line and usually it is the same couple of employees.
2. I need you to wear a radio every day. This will help Melvin and me in communicating with you about the daily activity of the line.
3. I feel you need to focus more on training the employees rather than doing the work yourself. I understand that until you have a dedicated filler operator your time is taken up running the filler. Don't be afraid to sacrifice a little downtime while a team member is learning a new task.
4. All paperwork must be filled out completely. Please take a few minutes at the end of shift to make certain the paperwork is completed properly. Also, this will make certain when you have a new filler operator that you can instruct them in the proper way to complete all paperwork.

I am confident that that these are minor issues that you can resolve. If you need any assistance please let me know.

PLAINTIFF'S  
EXHIBIT

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Christopher J.  
Jordan/NC/Ralcorp  
05/10/2006 03:23 PM

To Frank D. Williams/NC/Ralcorp@RALCORP  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
bcc S. Leigh Allums/NC/Ralcorp  
Subject Re: 5-10.xls 

In the future, when line 3 has a drain off I need you to check with me on what time the employees on the line should report to work. If I do not give you a clear and definite answer please do not assume I want them to come in a regular time. Also, when the line has a drain off I need you to make certain that you do everything in your power to have the packaging line running at the scheduled time. If I have overloaded you and this is preventing you from making certain the line starts on time please let me know.

Another concern I have is finding Mary Brooks off the line and talking to other employees. If you have given her clear instructions on what she should do if the line is down then I expect you to come to me for solutions to this problem. The employees that report to you are a direct reflection of you and me. Your doing a good job but we need to focus our efforts in resolving these problems before the busy season hits.

**PLAINTIFF'S  
EXHIBIT**  
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CONFIDENTIAL

FH000869

file



Christopher J.  
Jordan/NC/Ralcorp  
08/02/2006 03:08 PM

To Thomas A. Nance/NC/Ralcorp@RALCORP  
cc Ricky L. Smothers/NC/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc

Subject Frank Williams

This morning before 7:00 a.m., Eugene Andrews told me on the radio that Frank Williams needed to see me. I walked down to line 3 and he asked what I was doing about a capper on line 3. The question was not the issue but the expression and carefree attitude in which it was asked. Also, I asked him why he didn't have his radio and with the same attitude he said I'm on the label machine.

At this point it appeared that the issues addressed the previous day were an issue today. I asked Melvin Hutchins to meet with us to bring this out in the open. When I addressed them with Frank Williams he had excuses and reasons for everything. I explained to Frank that whatever happened yesterday did not need to reflect on his work today. Again, Frank explained that I was mistaken.

Melvin then added that whenever we tried to address any issues that Frank would show in his expressions and actions that he was never in the wrong just like he was doing now. He also added that we are trying to help him but he has to take ownership of the problems and show some improvement.

**PLAINTIFF'S  
EXHIBIT**

23

CONFIDENTIAL

FH000866





Christopher J.  
Jordan/NC/Ralcorp  
05/12/2007 08:36 AM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Deanna M. Lake/BR/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

Please place in his file as a coaching session:

I had a discussion with Frank Williams on May 11, 2007. The following issues were addressed:

- As a team leader he is responsible for the line starting up in the morning. When he is running a piece of equipment such as the label machine or filler he is responsible for all paperwork for the job he is doing no matter what else may come up while setting up the line. Yesterday he was trying to start up the line and run the label machine. When I came around to pick up the equipment checklist for line 2 label machine he did not have it completed.

If you have any questions please let me know.

If you are not the intended addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to internet email for messages of this kind.

**PLAINTIFF'S  
EXHIBIT**

*2324*

CONFIDENTIAL

FH000832

**BAYARD S. TARPLEY, Ph.D.**  
**CLINICAL AND CONSULTING PSYCHOLOGY**

Eufaula Office Park  
1135 South Eufaula Avenue  
Eufaula, Alabama 36027

(205) 687-2151

Hours By  
Appointment

Becky Dowling DHR

**PLAINTIFF'S  
EXHIBIT**

25

Patient Lamberson, Renee 91061

DOB 8/10/77 SS No. \_\_\_\_\_

Diagnosis DSM III-R 309.40

Insurance DHR

610 Spruce St.  
Eufaula, Al. 36027

DATE \_\_\_\_\_

Shirley Lamberson-Mother

DATE	SERVICES RENDERED	CHARGES	CREDITS	BALANCE
		PREVIOUS BALANCE		
8/27/91	Office Visit-Intake	80.00		80.00
09/02/91	Office Visit	80.00		160.00
10/05/91	Office Visit	80.00		240.00
10/29/91	Office Visit	80.00		320.00

**BAYARD S. TARPLEY, Ph.D.**  
**CLINICAL AND CONSULTING PSYCHOLOGY**

Eufaula Office Park  
 1135 South Eufaula Avenue  
 Eufaula, Alabama 36027

(205) 687-2151

Hours By  
 Appointment

Patient	Wilkerson, Francis	91068
DOB	04/02/81	SS No. 254-41-0395
Diagnosis	DSM III-R 309.40	
Insurance	D.A.'s Office	

DATE .....

DATE	SERVICES RENDERED	CHARGES	CREDITS	BALANCE
		PREVIOUS BALANCE		
10/05/91	Intake	80.00		80.00
10/18/91	Office Visit	80.00		160.00

**PLAINTIFF'S  
 EXHIBIT**

26

Robert A. Head, M.D. 02798  
Ted A. Williams, M.D. 06901

Southeastern Pediatric Associates, P.A.  
1105 West Main Street -- DOTHAN, Alabama 36301  
(205) 794-8656  
Tax I.D. No. 63-0738893

Stanley R. Forston, Jr., M.D. 4  
John E. Searcy, M.D. 8032

DATE OF SERVICE	TICKET TIME	PATIENT NAME	BIRTH DATE	REFERRING DOCTOR	FC	REF. NO.	ACCOUNT NO.	FM
10/08/91	3:39 PM	AMBER	5/18/77			12189	8727-0	
AMBER NELSON 508 B HIGHLAND AVE. EUFULA, AL (205) 687-7200			Bill To: Barbour Co. DA P.O. Box 61 Eufaula, Al. 36027			PRIVATE PAY Initial B. L. W.		
DATE LAST PAYMENT	CURRENT BALANCE							
	ACC .00							
	INS .00							
			EPSDT FOLLOWUP					

SVC #	CPT CODE	DESCRIPTION	CHARGE	SVC #	CODE	DESCRIPTION	CHARGE	SVC #	CODE	DESCRIPTION	CHARGE
100's	NEW	ESTAB	OFFICE VISITS			LABORATORY				TREATMENTS - SPECIFY	
01	90030		OFF VIS MIN	209	85660	SICKLEDEX		318	16000	INITIAL BURN TX	
02 03	90000	90040	OFF VIS B.	201	86300	MONOSPOT			16020	BURN TX. (SMALL)	
04 05	90010	90050	OFF VISIT	202	85580	PLATELET COUNT			16025	BURN TX. (MEDIUM)	
06 07	90015	90060	OFF VIS INT	203	85044	RETIC COUNT			18030	BURN T. (LARGE)	
08 09	90015	90070	OFF VIS EXT	204	85650	SED RATE		319	94640	INHAL TREAT	
10 11	90020	90080	OFF VIS COMP	205	87081	TESTURIA		320	90788	IM INJ ANTIB	
12	99058		OFF USED/EMERG	206	81000	URINE WITH MICRO		321	90780	IV INT. THERAPY	
				207	81002	URINE WITH DIPST		322	36000	IV PLACE	
				208	87088	URINE C&S		130	12	LACER REPAIR	
				210	87087	URINE OTHER		131	12	LAYER CLOS	
				211	87060	THROAT CULTURE		323	90782	THERAP INJ.	
				212	82205	PHENOBARBITAL			62498	ADMINISTRATION	
				213	82137	THEOPHYLLINE		350		OTHER:	
				215	82948	CHEMSTRIP BG					
				216	82465	CHOLESTEROL					
				217	82947	GLUCOSE		351-370	99070	SUPPLIES	
				221	82250	T. BILIRUBIN			99070		
				222	87205	GRAM STAIN					
				223	82270	HEMOCCULT					
				224	36415	BLOOD DRAWN					
				225	36410	BLOOD DRAWN (MD)					
				250	99000	HANDLING/PROC					
				300	53670	CATHETERIZATION					
				301	69210	CERUMEN REMOVAL					
				302	96408	CHEMO IV					
				303	96400	CHEMO IM					
				304	40819	FRENULECTOMY					
				305	62270	LUMBAR PUNCTURE					
				306	69420	MYRINGOTOMY					
				307	94750	PULMONARY FUNC					
				308	92551	SCREEN, HEARING					
				309	82499	SCREEN VISION					
				310	17250	SILVER NITRATE					
				311	51000	SUPRAPUBIC ASP					
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**BAYARD S. TARPLEY, Ph.D.**  
**CLINICAL AND CONSULTING PSYCHOLOGY**

Eufaula Office Park  
1135 South Eufaula Avenue  
Eufaula, Alabama 36027

(205) 687-2151

Hours By  
Appointment

Patient	<u>Nelson, Amber</u>	#	<u>91074</u>
DOB	<u>5/18/77</u>	SS No.	<u>420-06-8424</u>
Diagnosis			
Insurance	<u>N/A</u>		

DATE .....

DATE	SERVICES RENDERED	CHARGES	CREDITS	BALANCE
		PREVIOUS BALANCE		
10-14-91	Dr. - Intake	80.00		80.00
BALANCE DUE				80.00

PLAINTIFF'S  
EXHIBIT



**FREEDOM COURT REPORTING**

1	1	1	3
2	IN THE UNITED STATES DISTRICT COURT	2	Robertson the original transcript of the
3	FOR THE MIDDLE DISTRICT OF ALABAMA	3	oral testimony taken the 14th day of May,
4	SOUTHERN DIVISION	4	2008, along with exhibits.
5	CIVIL ACTION NUMBER 107cv-712-WKW	5	Please be advised that this is the
6	LINDA THORNTON,	6	same and not retained by the Court Reporter,
7		7	nor filed with the Court.
8	Plaintiff(s),	8	
9	v.	9	
10	FLAVOR HOUSE PRODUCTS, INC.,	10	
11		11	
12	Defendant(s).	12	
13		13	
14	DEPOSITION TESTIMONY OF:	14	
15	MELVIN HUTCHINS	15	
16		16	
17		17	
18		18	
19		19	
20	Commissioner:	20	
21	Renny D. McNaughton	21	
22	May 14, 2008	22	
23	Dothan, Alabama	23	
2	2	4	
1	STIPULATION	1	INDEX
2	IT IS STIPULATED AND AGREED by and	2	EXAMINATION BY: PAGE NO.
3	between the parties through their respective	3	Ms. Robertson 9
4	counsel that the deposition of Melvin	4	
5	Hutchins, may be taken before Renny D.	5	EXHIBITS
6	McNaughton, Court Reporter and Notary	6	No. 1 13
7	Public, State at Large, at the offices of	7	No. 2 16
8	Bobbie Crook, Dothan, Alabama, on the 14th	8	No. 3 29
9	day of May, 2008, commencing at	9	No. 4 40
10	approximately 9:30 a.m.	10	No. 5 42
11	IT IS FURTHER STIPULATED AND AGREED	11	
12	that it shall not be necessary for any	12	
13	objections to be made by counsel to any	13	
14	questions, except as to form or leading	14	
15	question and that counsel for the parties	15	
16	may make objections and assign grounds at	16	
17	the time of trial or at the time said	17	
18	deposition is offered in evidence, or prior	18	
19	thereto.	19	
20	In accordance with Rule 5(d) of the	20	
21	Alabama Rules of Civil Procedure, as	21	
22	amended, effective May 15, 1988, I, Renny D.	22	
23	McNaughton, am hereby delivering to Ms.	23	

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p>5</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE DEFENDANT (S):</p> <p>4 Jennifer F. Swain</p> <p>5 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>6 Berkowitz, PC</p> <p>7 Wachovia Tower, 420 North Twentieth Street,</p> <p>8 Suite 1600</p> <p>9 Birmingham, Alabama 35203-5202</p> <p>10 205-328-0480</p> <p>11</p> <p>12 FOR THE PLAINTIFF (S):</p> <p>13 Ann C. Robertson</p> <p>14 Temple D. Trueblood</p> <p>15 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>16 The Kress Building</p> <p>17 301 Nineteenth Street North</p> <p>18 Birmingham, Alabama 35203</p> <p>19 205-314-0500</p> <p>20 Also Present:</p> <p>21 Linda Thornton</p> <p>22 Dee Lake</p> <p>23</p>	<p>7</p> <p>1 at the law office of Bobbie S. Crowe.</p> <p>2 Would counsel please identify</p> <p>3 yourself and state whom you represent.</p> <p>4 MS. ROBERTSON: Ann Robertson for</p> <p>5 the plaintiff.</p> <p>6 MS. TRUEBLOOD: Temple Trueblood</p> <p>7 for the plaintiff.</p> <p>8 MS. SWAIN: Jennifer Swain for</p> <p>9 defendant Flavor House.</p> <p>10 THE VIDEOGRAPHER: Would the</p> <p>11 reporter please swear in the witness.</p> <p>12 (Witness Sworn)</p> <p>13 THE COURT REPORTER: Usual</p> <p>14 stipulations?</p> <p>15 MS. SWAIN: Read and sign,</p> <p>16 please.</p> <p>17 MS. ROBERTSON: And the agreement</p> <p>18 about his relatives.</p> <p>19 MS. SWAIN: That's fine.</p> <p>20 MELVIN HUTCHINS</p> <p>21 having been duly sworn, was examined and</p> <p>22 testified as follows:</p> <p>23</p>
<p>6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 9:30</p> <p>10 a.m. on the 14th day of May, 2008, Melvin</p> <p>11 Hutchins, witness in the above cause, for</p> <p>12 oral examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This begins</p> <p>16 videotape one in the deposition of</p> <p>17 Melvin Hutchins in the matter of Linda</p> <p>18 Thornton versus Flavor House Products,</p> <p>19 Inc., and Franklin D. Williams, case</p> <p>20 1-7CV712WKW in the U.S. District Court</p> <p>21 for the Middle District of Alabama,</p> <p>22 Southern Division. We are on record at</p> <p>23 9:35 a.m. on Wednesday, May 14th, 2008,</p>	<p>8</p> <p>1 EXAMINATION</p> <p>2 BY MS. ROBERTSON:</p> <p>3 Q Will you state your full name,</p> <p>4 please, sir?</p> <p>5 A Melvin George Hutchins.</p> <p>6 Q And what is your home address,</p> <p>7 please, sir?</p> <p>8 A 2904 Selwood Circle, Dothan,</p> <p>9 Alabama.</p> <p>10 Q Can you spell Selwood for me?</p> <p>11 A S-E-L-W-O-O-D.</p> <p>12 Q And how long have you lived</p> <p>13 there?</p> <p>14 A Approximately six years.</p> <p>15 Q And where do you work,</p> <p>16 Mr. Hutchins?</p> <p>17 A Bremner Food Group.</p> <p>18 Q All right. And I'm going to ask</p> <p>19 you to have an agreement with me. It's been</p> <p>20 several different things over a period of</p> <p>21 time. We're going to call it Flavor House.</p> <p>22 A Okay.</p> <p>23 Q Okay? And so if I ask you about</p>

2 (Pages 5 to 8)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">9</p> <p>1 Flavor House, I'm talking about this people 2 that you worked for and the people that 3 owned it before, all those people. We'll 4 just call it Flavor House. Is that okay? 5 A That's okay. 6 Q How long have you worked for 7 Flavor House? 8 A 20 years. 9 Q And so that -- when were you 10 hired? 11 A 1988. 12 Q Do you remember the process by 13 which you were hired? 14 A I came in to be a processing 15 supervisor and I moved out to -- became 16 packaging supervisor. After I left that, I 17 scheduled the plant for two years. And then 18 I became in charge of both the processing 19 and packaging departments. And then I wound 20 up being first shift superintendent. 21 Q When did you go from processing 22 packaging -- was it called processing 23 packaging manager? Did it have a title? Do</p>	<p style="text-align: right;">11</p> <p>1 A Once Brenda took over with the 2 job responsibilities or Flavor House took -- 3 Bremner. I'm sorry -- Bremner took over, 4 more or less just aligning my job 5 responsibilities with the job 6 responsibilities at Bremner. 7 Q Do you remember -- I think I 8 asked you -- about when that was, maybe in 9 the last six years? 10 A Correct. 11 Q Was that when Mary Ann Boyer 12 came? 13 A Uh-huh. 14 Q You need -- he write -- he's 15 writing down what you say so say yes or no 16 instead of uh-huh or huh-uh. 17 A I'm sorry. 18 Q It's just -- it's hard to read. 19 A Yes. 20 Q It's not as big a problem because 21 we've got a video, but just -- 22 A Okay. 23 Q -- it's easier for him to do.</p>
<p style="text-align: right;">10</p> <p>1 you know what it was? 2 A Just supervisor. 3 Q All right. 4 A I can't remember the dates. 5 Q Was it in the last six years? 6 A Last six years with the 7 superintendent. 8 Q And how did that come about that 9 you went from processing to packaging to 10 superintendent to first shift 11 superintendent? 12 A When I first got hired, there was 13 a shortage of supervisors. After I worked 14 the processing department, evidently I -- 15 they was pleased with -- my supervisor was 16 pleased with the work I did and he asked me 17 would I be in -- would I like to go to the 18 packaging department. And that's how I 19 became packaging supervisor. 20 Q What I'm asking is how did it 21 come about that you went from being the 22 process and packaging manager to the 23 first -- back to the first shift supervisor?</p>	<p style="text-align: right;">12</p> <p>1 A Not a problem. 2 Q And as first shift supervisor, 3 what -- what were your duties -- or 4 superintendent? Excuse me. 5 A First shift superintendent, in 6 charge of four supervisors, basically in 7 charge of everything that went on in 8 production on first shift. 9 Q And did you have a counterpart 10 for second shift? 11 A Yes. 12 Q And who is that -- what was that 13 person? 14 A Larry Hatcher. 15 Q And who was y'all's immediate 16 supervisor? 17 A At first it was Mary Ann. Then 18 it wound -- and it wound up being, after 19 all the changes were made, Ricky Smothers. 20 Q Do you remember when those 21 changes made it from being Mary Ann to Ricky 22 Smothers? 23 A It's been in the last two years,</p>

3 (Pages 9 to 12)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">13</p> <p>1 I think.</p> <p>2 Q Now, what is your educational</p> <p>3 background, please, sir?</p> <p>4 A High school diploma.</p> <p>5 Q And have you had any training</p> <p>6 while you were working for Flavor House?</p> <p>7 A Quite a bit.</p> <p>8 Q And when you would have training,</p> <p>9 would you sign little pieces of paper that</p> <p>10 went into your personnel file?</p> <p>11 MS. SWAIN: Objection. You can</p> <p>12 still answer.</p> <p>13 Q Let me give you an example.</p> <p>14 Well, do you know if you sign pieces of</p> <p>15 paper when you get the training?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A We do have a sign-in sheet of who</p> <p>18 attend the classes.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 1 was marked for identification</p> <p>21 and attached to the deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q For instance, I will show you</p>	<p style="text-align: right;">15</p> <p>1 A Uh-huh.</p> <p>2 Q Such as in Plaintiff's Exhibit</p> <p>3 Number 1 to your deposition.</p> <p>4 A Right.</p> <p>5 Q And I understand this is</p> <p>6 Mr. Williams' training documentation.</p> <p>7 A Right, right.</p> <p>8 Q But I'm just talking about</p> <p>9 something that would be like that.</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A Something -- something like that.</p> <p>12 Q Okay. Now, when you say you've</p> <p>13 had management skill training, when did you</p> <p>14 have that?</p> <p>15 A I don't know the exact date.</p> <p>16 Q What did it -- have you had it</p> <p>17 more than once?</p> <p>18 A A couple times.</p> <p>19 Q And what did it entail?</p> <p>20 A You know, how -- how to become a</p> <p>21 successful manager, how to basically deal</p> <p>22 with different situations.</p> <p>23 Q What do you mean different</p>
<p style="text-align: right;">14</p> <p>1 what's been marked as Plaintiff's Exhibit</p> <p>2 Number 1 to your deposition and ask you is</p> <p>3 that something I would expect to find --</p> <p>4 something like that -- expect to find in</p> <p>5 your personnel file when you would have</p> <p>6 received training?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 Q You're supposed to answer even --</p> <p>9 A It depends on if -- if it's for a</p> <p>10 manager or supervisor, yes, ma'am, you will.</p> <p>11 Q Okay. And if it's not for</p> <p>12 managers and supervisors, is there some</p> <p>13 other kind of training that you may have</p> <p>14 gotten that wouldn't have been for</p> <p>15 management and supervisors?</p> <p>16 A Yes. I -- you know, I had</p> <p>17 training as far as management skills or -- I</p> <p>18 guess I'm asking -- I guess I need to ask</p> <p>19 you a question. What -- you just want to</p> <p>20 know what type of training I've had or --</p> <p>21 Q Well, yeah. I was just asking if</p> <p>22 you thought it would be documented in your</p> <p>23 file when you've had some kind of training.</p>	<p style="text-align: right;">16</p> <p>1 situations?</p> <p>2 A How to do deal with difficult</p> <p>3 people, how to -- how to get the maximum out</p> <p>4 of employees that work for you or</p> <p>5 supervisors that work for you, etcetera,</p> <p>6 etcetera.</p> <p>7 Q Now, during your tenure at Flavor</p> <p>8 House, have you ever participated in the</p> <p>9 hiring process of -- of operators and/or</p> <p>10 team leaders?</p> <p>11 A I have made recommendations, but</p> <p>12 that basically came from my supervisor or</p> <p>13 HR.</p> <p>14 Q Okay.</p> <p>15 (Plaintiff's Exhibit Number</p> <p>16 2 was marked for identification</p> <p>17 and attached to the deposition.)</p> <p>18 BY MS. ROBERTSON:</p> <p>19 Q Well, I'll show you what's been</p> <p>20 marked as Plaintiff's Exhibit Number 2 to</p> <p>21 your deposition and ask you if you've ever</p> <p>22 seen this before.</p> <p>23 A No, ma'am.</p>



**FREEDOM COURT REPORTING**

<p style="text-align: right;">17</p> <p>1 Q Were you -- were you a -- what</p> <p>2 was your position in 2002 at Flavor House?</p> <p>3 A First shift superintendent.</p> <p>4 Q Okay. In 2000?</p> <p>5 A You said 2002.</p> <p>6 Q No. 2000. When -- when -- when</p> <p>7 Mr. -- see, Plaintiff's Exhibit Number 2</p> <p>8 says --</p> <p>9 A Uh-huh.</p> <p>10 Q -- says that -- that it was</p> <p>11 filled out sometime in --</p> <p>12 A I was in charge of production</p> <p>13 and -- and processing.</p> <p>14 Q All right. Would you have become</p> <p>15 Mr. Williams' supervisor when he was hired?</p> <p>16 A No. He would have worked for --</p> <p>17 I don't know who he would have worked for at</p> <p>18 that time. I've forgotten who was the</p> <p>19 supervisor at that time.</p> <p>20 Q Do you know who Bruce Cassady is?</p> <p>21 A Uh-huh.</p> <p>22 Q Yes?</p> <p>23 A Yes.</p>	<p style="text-align: right;">19</p> <p>1 in 2000 in the hiring recommendations you</p> <p>2 would have made?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A No, ma'am.</p> <p>5 Q When you were hired, did they do</p> <p>6 a background check on you?</p> <p>7 A I -- I don't know.</p> <p>8 Q Did -- did you -- do you</p> <p>9 recognize this piece of application as</p> <p>10 something you would have filled out?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Because it says on -- on -- on</p> <p>13 page 2 it says, I understand that</p> <p>14 consideration for employment in this</p> <p>15 position is contingent upon the results of a</p> <p>16 reference and background check.</p> <p>17 A Uh-huh.</p> <p>18 Q Is that right?</p> <p>19 A Is that what it reads? Yes,</p> <p>20 ma'am.</p> <p>21 Q Yeah. Do you know where JFI</p> <p>22 Ingram is?</p> <p>23 A I sure don't.</p>
<p style="text-align: right;">18</p> <p>1 Q Who is Bruce Cassady?</p> <p>2 A Bruce Cassady -- at this time or</p> <p>3 --</p> <p>4 Q Yeah, in 2000, late 2000.</p> <p>5 A Bruce Cassady was a -- he worked</p> <p>6 in the maintenance department.</p> <p>7 Q Was he a supervisor or just a</p> <p>8 worker?</p> <p>9 A I don't know what his exact job</p> <p>10 title was.</p> <p>11 Q Okay. Did you participate in any</p> <p>12 way in the hiring process of Mr. Williams?</p> <p>13 A No, ma'am.</p> <p>14 Q Excuse me. Did you participate</p> <p>15 in any way in the hiring process of anybody</p> <p>16 in 2000?</p> <p>17 A Probably so by giving</p> <p>18 recommendations.</p> <p>19 Q Will you look at the second page</p> <p>20 of -- of Plaintiff's Exhibit Number 2 at the</p> <p>21 bottom?</p> <p>22 A Uh-huh.</p> <p>23 Q Do you know if this form was used</p>	<p style="text-align: right;">20</p> <p>1 Q Any other training you've had</p> <p>2 besides management skills?</p> <p>3 A Leadership training, sexual</p> <p>4 harassment training, some of the -- that's</p> <p>5 all I can think of right now.</p> <p>6 Q All right. When did you have the</p> <p>7 leadership training?</p> <p>8 A I don't remember the time.</p> <p>9 Q Was it in the last two years, the</p> <p>10 last four years?</p> <p>11 A In the last two years.</p> <p>12 Q And who taught that?</p> <p>13 A I don't remember.</p> <p>14 Q Do you recall how long it lasted?</p> <p>15 A I think it was over a two-day</p> <p>16 period. I think it was eight hours.</p> <p>17 Q And who -- and where did you</p> <p>18 actually -- did you attend somewhere off</p> <p>19 site or did you do it at Flavor House,</p> <p>20 receive your training?</p> <p>21 A At Flavor House.</p> <p>22 Q And do you remember who taught</p> <p>23 it?</p>

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**FREEDOM COURT REPORTING**

<p style="text-align: right;">21</p> <p>1 A We've had several different 2 people. I -- I don't remember. 3 Q I mean, have you had leadership 4 training several different times? 5 A Yes, ma'am. 6 Q Well, I'm talking about the one 7 in the last -- you said you thought you'd 8 had a session in the last two years. Who 9 taught that? 10 A I -- I don't remember who taught 11 that. 12 Q Was it -- do you remember what -- 13 when I say "kind of person," was it a HR 14 type person or lawyer person, somebody from 15 Dale Carnegie? Do you remember -- 16 A I don't remember who it was. 17 Q It wasn't somebody that taught 18 you to say the person's name that you were 19 referring to every three minutes, was it? 20 A No, I don't think so. 21 Q Because I noticed you haven't 22 called me Ann yet. 23 Do you remember the subjects that you</p>	<p style="text-align: right;">23</p> <p>1 Q And -- and did she teach you in 2 the same session as Mary Ann Boyer? 3 A It was different sessions for 4 different times. 5 Q All right. Well, what were the 6 subject matters that Mary Ann Boyer taught 7 you? 8 A Basically how to deal with it, 9 sexual harassment in the workplace. 10 Q Well, what did she teach you 11 about how to deal with it? 12 A Definitely how to -- you know, 13 when -- when it's brought to the attention 14 of supervisors, managers or whatever, get 15 the documentation and definitely take it 16 straight to HR. 17 Q And at the time I guess Mary Ann 18 Boyer was teaching you to take it to HR, who 19 would have been the HR people? 20 A We've had several. Tommy Nance 21 was one. 22 Q Okay. Anybody else that you can 23 recall?</p>
<p style="text-align: right;">22</p> <p>1 were taught in leadership training? 2 A How to be a good leader. 3 Q And -- and were there any 4 subtopics other than how to be a good 5 leader? 6 A Yes, ma'am, it was. 7 Q Well, can you recall any of them? 8 A No, ma'am, I can't. 9 Q All right. Now, you said -- you 10 said you had sexual harassment training. 11 When was that? 12 A Probably in the last two years. 13 Q And who taught that? 14 A Been several people. Mary Ann, 15 Alice Clark. 16 Q Now, who is Alice Clark? 17 A I think she's a human resource 18 director for the Bremner Ralcorp 19 Corporation. 20 Q Okay. And did she -- is she -- 21 she's not from Dothan or around here, is 22 she? 23 A No, ma'am, she's not.</p>	<p style="text-align: right;">24</p> <p>1 A David Helms. 2 Q Well, can you give me a 3 definition of sexual harassment? 4 MS. SWAIN: Objection. 5 A Sexual harassment can be a form 6 of, you know, derogatory remarks toward an 7 individual, belating someone because of age, 8 sex, race. 9 Q Okay. That's your definition of 10 sexual harassment? 11 MS. SWAIN: Objection. 12 A That's a quick definition of 13 sexual harassment, yes, ma'am. 14 Q Is a derogatory remark toward 15 somebody because of their age? 16 A Yes. 17 Q All right. What do you mean by 18 derogatory remark? 19 A Lewd remarks, constant badgering. 20 Q Anything else? 21 A The list could go on and on, 22 ma'am. 23 Q Well, I know, but I want you to</p>

6 (Pages 21 to 24)

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**FREEDOM COURT REPORTING**

<p style="text-align: right;">25</p> <p>1 exhaust your understanding of sex -- the 2 meaning of sexual harassment. 3 MS. SWAIN: Objection. 4 A That's the basic highlights of 5 it. 6 Q What do you mean by constant 7 badgering? 8 A Oh, you can pick at someone, so 9 to speak, make fun of them, doing it 10 constantly. 11 Q Demeaning them because of their 12 gender? 13 A Uh-huh. 14 Q Would you consider that part of 15 it? 16 A I sure do. 17 Q Have you been taught in your 18 training about sexual harassment the -- the 19 psychology of -- of someone who sexually 20 harasses another? 21 A I can't say that I have, no, 22 ma'am. 23 Q Have you been taught that</p>	<p style="text-align: right;">27</p> <p>1 Q Would you consider that someone 2 who rapes children as being someone who's 3 abusing power? 4 MS. SWAIN: Objection. 5 A I would say a sexual offender. 6 Q Well, suppose -- 7 A Uh-huh. 8 Q Suppose an individual raped -- a 9 male adult raped a 13 year old. Would you 10 consider that a sexual abuse of power? 11 MS. SWAIN: Objection. 12 A Yes. 13 Q Now, tell me your duties as first 14 shift superintendent. 15 A Ensuring we're getting out the 16 daily production based on line standards, 17 making sure that we're starting up in a 18 timely manner, managing all of this about -- 19 rather. Making sure that my supervisors are 20 staffed correctly. Just in charge of -- 21 of -- of the daily day-to-day duties in 22 production. 23 Q And neither I, nor I doubt a</p>
<p style="text-align: right;">26</p> <p>1 frequently people that sexually harass the 2 other gender is because of an abuse of power 3 or -- or an -- a -- as opposed to just being 4 sexually attracted to them? 5 MS. SWAIN: Objection. 6 A No, ma'am. 7 Q You have not been taught that 8 sexual harassment is -- is frequently 9 someone abusing power -- 10 MS. SWAIN: Objection. 11 Q -- toward the other gender? 12 A No, ma'am. 13 Q Do you know that just by having a 14 brain? 15 MS. SWAIN: Objection. 16 Q Having walking-around sense? 17 MS. SWAIN: Objection. 18 A (Witness nodded head.) 19 Q Would you -- 20 THE COURT REPORTER: You need to 21 answer verbally. 22 Q You need to say yes. 23 A Yes, yes, yes.</p>	<p style="text-align: right;">28</p> <p>1 jury, knows what the daily day -- day-to-day 2 jobs are. What -- first of all, what is it 3 y'all do at Flavor House? 4 A Make -- roast and pack snack nut 5 items. 6 Q Or as my little two-year-old 7 nephews calls them, khaki snacks. And, 8 like, as the first shift super -- 9 superintendent, as I understand it, there 10 are different lines at Flavor House that 11 produce different things; is that correct? 12 A That is correct. 13 Q And how many lines do you -- are 14 you the superintendent over? 15 A We've got 14. 16 Q And what do those lines do? 17 A Cook and pack. 18 Q So you have a roaster line? 19 A Uh-huh. And a packaging line. 20 Q Yes? 21 A Yes. 22 Q Do you have a canning line? 23 A Yes.</p>

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<p style="text-align: right;">29</p> <p>1 Q Do you have a -- what other kinds 2 of lines? 3 A A bagging. 4 Q Any others? 5 A That's it. 6 Q And -- 7 A A jar line. I'm sorry. 8 Q And what do they -- what is -- 9 what is -- what's done at the jar line? 10 A Jar line, you basically fill 11 the -- fill the jars up with nuts at a 12 certain weight, label the product, video jet 13 it, case print it, and stack. And it goes 14 to the warehouse. 15 (Plaintiff's Exhibit Number 16 3 was marked for identification 17 and attached to the deposition.) 18 BY MS. ROBERTSON: 19 Q And I'm going to show you what's 20 been marked as Plaintiff's Exhibit Number 3 21 to your deposition and ask you what this is, 22 please, sir. 23 (Witness reviewing document.)</p>	<p style="text-align: right;">31</p> <p>1 thrown a bottle of peanuts at her? 2 MS. SWAIN: Objection. 3 A No, ma'am, I don't remember that. 4 Q Do you remember talking to her 5 about it at all? 6 A I can't say I have -- or 7 remember. 8 Q You can't remember one way or the 9 other? 10 A I can't remember whether I talked 11 to her about this specific incident. 12 Q All right. Well, did you talk to 13 anybody other than Larry Hatcher about the 14 incident? 15 A Yes. It was some other witnesses 16 involved, other people in -- that was 17 involved with this. 18 Q But I -- so you talked to other 19 witnesses? 20 A Other people, yes, ma'am. 21 Q All right. What was the purpose 22 of you talking to other witnesses? 23 A Let me -- let me rephrase that.</p>
<p style="text-align: right;">30</p> <p>1 A It's a counseling report for 2 Linda. 3 Q And do you recall how you first 4 learned about the incident involving the 5 peanuts being thrown at Linda? 6 MS. SWAIN: Objection. 7 A Yes, ma'am. Larry Hatcher 8 informed me of this. 9 Q Do you recall that Linda called 10 you at home about this -- 11 MS. SWAIN: Objection. 12 Q -- crying? 13 MS. SWAIN: Objection. 14 A No, ma'am, I don't recall that. 15 Q Do you recall that she had been 16 put on night shift temporarily to work for 17 Mr. Hatcher and she ordinarily was on first 18 shift? 19 A Uh-huh. 20 Q Yes? 21 A Yes, ma'am. 22 Q And don't you remember that she 23 called you crying because somebody had</p>	<p style="text-align: right;">32</p> <p>1 The other people that were involved, I read 2 their statements. As far as me actually 3 talking to them, I didn't talk to them. But 4 I did read their statements about what 5 happened. 6 Q Whose statements did you read? 7 A If I'm not mistaken, it was a 8 maintenance individual that was involved and 9 it was a statement from that individual. 10 Q Mr. Milsap? 11 A Uh-huh. 12 Q Well -- 13 MS. ROBERTSON: Off the record. 14 (An off-the-record discussion was held.) 15 BY MS. ROBERTSON: 16 Q What did Mr. Milsap's statement 17 say? 18 A I can't recall what it stated. 19 It just -- it just basically said, you know, 20 what led up to that point. 21 Q What led up to what point, him 22 throwing the peanuts at her? 23 MS. SWAIN: Objection.</p>

## FREEDOM COURT REPORTING

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1 A What -- what happened here,  
2 ma'am.  
3 Q Well, tell me what possible  
4 excuse anybody could have for throwing  
5 peanuts -- a jar of peanuts at somebody?  
6 MS. SWAIN: Objection.  
7 A I don't know. It shouldn't  
8 happen.  
9 Q Is it -- is it a safety  
10 violation?  
11 A Yes, it is.  
12 Q Would you consider it an assault  
13 --  
14 MS. SWAIN: Objection.  
15 Q -- and -- and battery if -- since  
16 it hit her?  
17 MS. SWAIN: Objection.  
18 Q Sir?  
19 A I wouldn't go as far as saying it  
20 was an assault.  
21 Q Well, tell me your definition --  
22 I mean, you -- when somebody hits you,  
23 throws something at you and hits you, you

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1 don't consider that an assault?  
2 MS. SWAIN: Objection.  
3 Q Sir?  
4 A Under different circumstances.  
5 Q What kind of circumstances would  
6 it not be an assault?  
7 MS. SWAIN: Objection.  
8 Q How about if he threw it at her  
9 and hit her in the chest and said, When I  
10 tell you to turn the fucking thing off, you  
11 turn it off?  
12 MS. SWAIN: Objection.  
13 Q Would you consider that  
14 circumstance to be an assault?  
15 MS. SWAIN: Objection.  
16 A If it were to happen, yes, ma'am.  
17 Q And -- and isn't that what Linda  
18 said happened?  
19 A There's two sides to every story.  
20 Correct.  
21 Q Okay. Well, as I understand it,  
22 he admitted using offensive language; right?  
23 A If I'm not mistaken, yes, ma'am.

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1 Q And -- and he admitted throwing  
2 the peanuts at her; right?  
3 MS. SWAIN: Objection.  
4 A I don't remember what -- what was  
5 in his statement.  
6 Q Well, do you remember if he was  
7 punished at all?  
8 A If I'm not mistaken, he was.  
9 Q Do you remember -- do you recall  
10 what -- what punishment he was given?  
11 A He was in maintenance. I'm  
12 not -- I'm not aware of what -- what that  
13 would have been.  
14 Q Well, tell me -- you were going  
15 to tell me how you found about this  
16 situation and you said Larry Hatcher.  
17 A Uh-huh. Larry Hatcher -- I -- I  
18 can't -- I don't remember what or how he,  
19 you know, told me. I don't know if he sent  
20 me an e-mail or he left me a note or left me  
21 a voice mail message, but that's how I found  
22 out about it.  
23 Q And what did -- and what -- and

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1 what was the purpose of him sending you the  
2 message or -- or calling you?  
3 A At -- at that time, Larry was not  
4 over second shift. Basically, all the  
5 things that was taking place on second  
6 shift, I was basically over second shift,  
7 and he wanted to inform me of what had  
8 happened.  
9 Q Was Larry Hatcher present when it  
10 supposedly happened?  
11 A I don't know, ma'am.  
12 Q Well, who decided that -- that  
13 Linda would get this write-up?  
14 A HR.  
15 Q Leigh Allums?  
16 A Uh-huh.  
17 Q Now, what was her position at the  
18 time?  
19 A At that time, she was in charge  
20 of HR.  
21 Q Did you have any input into it?  
22 A No, ma'am.  
23 Q Do you know if Mr. Milsap was



**FREEDOM COURT REPORTING**

<p style="text-align: right;">37</p> <p>1 suspended?</p> <p>2 A I -- I don't know, ma'am.</p> <p>3 Q Is that a punishment that -- that</p> <p>4 you can get at Flavor House, a suspension?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And when you're suspended, is it</p> <p>7 with or without pay?</p> <p>8 A I think it's without pay.</p> <p>9 Q Can you get demoted for -- for --</p> <p>10 as kind of a discipline?</p> <p>11 A That would have to be an HR</p> <p>12 decision.</p> <p>13 Q I mean, do you know if that is a</p> <p>14 choice of -- of punishment that -- that can</p> <p>15 be meted out by HR?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A That's -- that's mainly a HR</p> <p>18 decision.</p> <p>19 Q But you -- so --</p> <p>20 A I don't know.</p> <p>21 Q Okay. And so you don't know</p> <p>22 if -- if Linda Parrish or Linda Thornton is</p> <p>23 the one that went to Mr. Hatcher and</p>	<p style="text-align: right;">39</p> <p>1 Q Okay. When a person is</p> <p>2 disciplined, how -- how are they told of the</p> <p>3 discipline? Did -- do you know on</p> <p>4 Plaintiff's Exhibit Number 3 did you give</p> <p>5 Linda this piece of paper?</p> <p>6 A No. I would say it came from</p> <p>7 Larry Hatcher.</p> <p>8 Q Okay. You think Larry Hatcher</p> <p>9 handed it to or gave it to -- to Linda?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Did you ever talk to Linda, to</p> <p>12 your memory, about this incident?</p> <p>13 A I can't recall.</p> <p>14 Q Did she ever come to you</p> <p>15 objecting to getting written up for what had</p> <p>16 happened?</p> <p>17 A I can't recall.</p> <p>18 Q Tell me what the procedure is</p> <p>19 when you go on break in terms of clocking in</p> <p>20 and out.</p> <p>21 A Procedure employees get two</p> <p>22 20-minute breaks. They are to clock in when</p> <p>23 they go to break, clock in coming from</p>
<p style="text-align: right;">38</p> <p>1 reported that she had been hit with the</p> <p>2 peanuts, do you?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A I -- I don't know, ma'am.</p> <p>5 Q Who would have been the</p> <p>6 supervisor in the situation involving --</p> <p>7 would Mr. Hatcher have been the supervisor?</p> <p>8 A I don't know if it -- I don't</p> <p>9 know. We had -- we've have a -- I don't</p> <p>10 know if it would have been Larry or it would</p> <p>11 have been Betty Brown.</p> <p>12 Q The statements that you said you</p> <p>13 saw relative to Plaintiff's Exhibit Number 3</p> <p>14 to your deposition, were they on pieces of</p> <p>15 paper like Plaintiff's Exhibit Number 3 or</p> <p>16 were they in some other form?</p> <p>17 A I think they was on a</p> <p>18 documentation form. And it -- I think it</p> <p>19 was -- was Milsap explaining what happened</p> <p>20 on it, having his side of the story.</p> <p>21 Q Well, did you see a documentation</p> <p>22 form that Linda had written?</p> <p>23 A I'm pretty sure I did.</p>	<p style="text-align: right;">40</p> <p>1 break.</p> <p>2 Q Clock out going to?</p> <p>3 A Uh-huh. And then clock back in</p> <p>4 going back to work.</p> <p>5 Q So they're not supposed to be</p> <p>6 paid for their breaks; right?</p> <p>7 A They are paid.</p> <p>8 Q They're paid for their breaks?</p> <p>9 Well, why do they clock in and clock out?</p> <p>10 A They are paid for their breaks.</p> <p>11 Q Okay. But -- so why do they</p> <p>12 clock in and clock out?</p> <p>13 A That's procedure.</p> <p>14 Q All right. Well, what about --</p> <p>15 A Because some people can abuse</p> <p>16 that.</p> <p>17 Q What do you mean by abusing it?</p> <p>18 A Come back too late or --</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 4 was marked for identification</p> <p>21 and attached to the deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q Tell me what this is, please,</p>

10 (Pages 37 to 40)



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<p style="text-align: right;">41</p> <p>1 sir, Plaintiff's Exhibit Number 4.</p> <p>2 MS. SWAIN: Could I get a copy,</p> <p>3 Ann?</p> <p>4 MS. ROBERTSON: Sure.</p> <p>5 (Witness reviewing document.)</p> <p>6 A Okay.</p> <p>7 Q What is that, please, sir?</p> <p>8 A Basically a document stating that</p> <p>9 --</p> <p>10 (An off-the-record discussion was held.)</p> <p>11 Q Go ahead. I'm sorry.</p> <p>12 A It's just a document I guess</p> <p>13 basically letting her know that she had</p> <p>14 clocked in and returned outside and, you</p> <p>15 know, giving her a -- what I would say a</p> <p>16 coaching session about what she needs to do.</p> <p>17 Q All right. Well -- but look down</p> <p>18 there. It's not a she. It's Mr. Williams.</p> <p>19 He was given a coaching session, I guess;</p> <p>20 right?</p> <p>21 A Uh-huh.</p> <p>22 Q Sir?</p> <p>23 A Yes, ma'am.</p>	<p style="text-align: right;">43</p> <p>1 Plaintiff's Exhibit Number 5?</p> <p>2 MS. SWAIN: Just let her mark it.</p> <p>3 She'll -- she'll give you a copy to look</p> <p>4 at.</p> <p>5 (Plaintiff's Exhibit Number</p> <p>6 5 was marked for identification</p> <p>7 and attached to the deposition.)</p> <p>8 A His supervisor basically saying</p> <p>9 that he hadn't clocked out for -- for each</p> <p>10 break. Basically, he looked at the time</p> <p>11 sheet and noticed what -- noticed his -- his</p> <p>12 punch-in times for break.</p> <p>13 Q And what's the -- is this another</p> <p>14 coaching session?</p> <p>15 A Got placed in his personnel file.</p> <p>16 I don't -- I don't know if -- if he's doing</p> <p>17 a follow-up or --</p> <p>18 Q He said, I believe I've told him</p> <p>19 to do this before.</p> <p>20 A And if he had told him to do it</p> <p>21 before, then the progressive -- the next</p> <p>22 step would have been -- been taken.</p> <p>23 Q Is that similar to what he did in</p>
<p style="text-align: right;">42</p> <p>1 Q And he was being coached. And</p> <p>2 this is in July of '06?</p> <p>3 A Uh-huh.</p> <p>4 Q You need to say yes or no.</p> <p>5 A Yes.</p> <p>6 Q And what was he doing wrong?</p> <p>7 A Frank was going outside</p> <p>8 smoking --</p> <p>9 Q Okay.</p> <p>10 A -- when he should have been in --</p> <p>11 should have been on the line.</p> <p>12 Q And while he was on the clock?</p> <p>13 A Correct.</p> <p>14 Q So that was stealing time;</p> <p>15 correct?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 Q Sir?</p> <p>18 A Yes, ma'am.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 5 was marked and attached to the</p> <p>21 deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q What is this, please, sir,</p>	<p style="text-align: right;">44</p> <p>1 July of '06 by -- by stealing time by going</p> <p>2 to the smoking break after clocking in?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A No.</p> <p>5 Q So they're two different</p> <p>6 violations; is that correct?</p> <p>7 A Uh-huh.</p> <p>8 Q Yes?</p> <p>9 A Yes, ma'am.</p> <p>10 Q And they occurred one in July of</p> <p>11 '06 and one in October of '06; correct?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Why was the -- why did -- why are</p> <p>14 the lead people supposed to have radios?</p> <p>15 A So we can contact them. Also,</p> <p>16 it -- it helps them do their job better.</p> <p>17 But we all have radios.</p> <p>18 Q Okay.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 6 was marked for identification</p> <p>21 and attached to the deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q Plaintiff's Exhibit Number 6,</p>

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<p style="text-align: right;">45</p> <p>1 what is this, please, sir?</p> <p>2 MS. SWAIN: Can I get a copy,</p> <p>3 Ann?</p> <p>4 MS. ROBERTSON: Sure.</p> <p>5 (Witness reviewing document.)</p> <p>6 A This is a -- basically, I guess</p> <p>7 sat down with Frank and let him know the</p> <p>8 do's and don'ts and what he -- what his</p> <p>9 supervisor expectations are.</p> <p>10 Q And -- and told -- he told him he</p> <p>11 was supposed to get his radio? Does it talk</p> <p>12 about his radio in that? I guess it</p> <p>13 doesn't.</p> <p>14 A No, ma'am. There's --</p> <p>15 Q It's not the right --</p> <p>16 A -- not anything on this one.</p> <p>17 Q Okay.</p> <p>18 (Plaintiff's Exhibit Number</p> <p>19 7 was marked for identification</p> <p>20 and attached to the deposition.)</p> <p>21 BY MS. ROBERTSON:</p> <p>22 Q What about Plaintiff's Exhibit</p> <p>23 Number 7? What is that?</p>	<p style="text-align: right;">47</p> <p>1 Plaintiff's Exhibit Number 7 is -- is</p> <p>2 October of '06. When is Plaintiff's Exhibit</p> <p>3 Number 8?</p> <p>4 A August.</p> <p>5 Q And was he also reminded to have</p> <p>6 his radio then? Also, I asked him why he</p> <p>7 didn't have his radio and with the same</p> <p>8 attitude he said -- he said, I'm on the</p> <p>9 label machine.</p> <p>10 A (No response.)</p> <p>11 Q Sir?</p> <p>12 MS. SWAIN: He's reading the</p> <p>13 document.</p> <p>14 MS. ROBERTSON: Oh.</p> <p>15 A Uh-huh.</p> <p>16 Q So in August he was -- he was</p> <p>17 told that he needed to have his radio;</p> <p>18 correct?</p> <p>19 A Uh-huh.</p> <p>20 Q And in October he was again told.</p> <p>21 Was he being insubordinate by not having his</p> <p>22 radio with him?</p> <p>23 MS. SWAIN: Objection.</p>
<p style="text-align: right;">46</p> <p>1 A Basically telling him he needs to</p> <p>2 have his radio on and, you know, when Chris</p> <p>3 calls him and wants to know what's going on</p> <p>4 with the line, he hasn't answered.</p> <p>5 Q All right. Do -- had</p> <p>6 Mr. Williams been reminded on other</p> <p>7 occasions to have his radio with him?</p> <p>8 A I would say so if -- because</p> <p>9 Chris wouldn't have sent him this.</p> <p>10 Q All right.</p> <p>11 (Plaintiff's Exhibit Number</p> <p>12 8 was marked for identification</p> <p>13 and attached to the deposition.)</p> <p>14 BY MS. ROBERTSON:</p> <p>15 Q Now, tell me what this is,</p> <p>16 please, sir, Plaintiff's Exhibit Number 8.</p> <p>17 (Witness reviewing document.)</p> <p>18 Q Is this -- is that -- was this</p> <p>19 issued after Plaintiff's Exhibit Number 7 or</p> <p>20 before? Well --</p> <p>21 A This is before.</p> <p>22 Q Okay. Let me see the other one.</p> <p>23 Which one is about the other radio thing?</p>	<p style="text-align: right;">48</p> <p>1 A No, ma'am, not necessarily.</p> <p>2 Q Well, had he been told to keep</p> <p>3 the radio with him?</p> <p>4 A Yes, ma'am.</p> <p>5 Q By his supervisor?</p> <p>6 A Uh-huh.</p> <p>7 Q And -- and he wasn't doing it.</p> <p>8 So why isn't that insubordination?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A Frank -- Frank was trying to get</p> <p>11 his line running, equipment or whatever, and</p> <p>12 you know, he just -- I guess he forgot. And</p> <p>13 Chris was trying to remind him of that, how</p> <p>14 important it is to have the radio.</p> <p>15 Q Well, he'd already had to remind</p> <p>16 him once; right?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A Uh-huh.</p> <p>19 (Plaintiff's Exhibit Number</p> <p>20 9 was marked for identification</p> <p>21 and attached to the deposition.)</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q Well, let's take a look at</p>

12 (Pages 45 to 48)

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<p style="text-align: right;">49</p> <p>1 Plaintiff's Exhibit Number 9. What is this, 2 please, sir? 3 MS. SWAIN: Can I get a copy, 4 please, Ann? 5 MS. ROBERTSON: Sure. 6 A Giving Frank an update about his 7 job performance. 8 Q And number 2 is I need you to 9 wear a radio every day. This will help 10 Melvin and me in communicating with you 11 about the daily activity of the line; 12 correct? 13 A Uh-huh. 14 Q Now, he was told about that in 15 December of '05; correct? 16 A Uh-huh. 17 Q He was then have -- he had to be 18 told again about it in August of '06 and 19 October of '06; correct? 20 A Uh-huh. 21 Q Do you consider that he was being 22 insubordinate in August and October when he 23 didn't have his radio after he had been</p>	<p style="text-align: right;">51</p> <p>1 requirements that we need for him to do. 2 Q Right. And then you had to tell 3 him in August of '06 and then October of '06 4 that he wasn't doing at least some of that 5 stuff; correct? 6 MS. SWAIN: Objection. 7 A Uh-huh. 8 Q Now, on the -- on the -- 9 Plaintiff's Exhibit Number 8, do you recall 10 the situation surrounding this write-up? 11 MS. SWAIN: Objection. 12 A No more than here. It's kind of 13 vague to me. 14 Q Do you recall what had happened 15 yes -- the yesterday that y'all are 16 referring to? 17 MS. SWAIN: Objection. 18 A No, ma'am. 19 Q Well, down here in the last 20 paragraph it says, Melvin then added that 21 whenever we try to address any issues, that 22 Frank would show in his expressions and 23 actions that he was never in the wrong just</p>
<p style="text-align: right;">50</p> <p>1 specifically instructed in December of '05 2 that he should have his radio with him every 3 day? 4 MS. SWAIN: Objection. 5 A If I'm not mistaken, I don't even 6 think we had enough radios to go around for 7 the team leaders at that time. 8 Q Well, then, why were you telling 9 him he should have his radio with him every 10 day? 11 A Well -- 12 Q I mean, I don't see anywhere 13 where you say, I understand there are not 14 enough radios to go around. 15 A Right. Well, you've got -- you 16 know, we didn't -- we didn't -- we have -- 17 rephrase this. 18 We had a radio for -- should have been 19 for both team leaders. And, you know, back 20 in '05, which is a heck of a long way, you 21 know, basically we wanted Frank to basically 22 step up to the plate as far as him being a 23 team leader and tell him some of the</p>	<p style="text-align: right;">52</p> <p>1 like he was doing now. 2 Do you agree with that, that he never 3 would accept responsibility for anything 4 that he did wrong? 5 MS. SWAIN: Objection. 6 A At this particular time, yes, 7 ma'am. 8 Q Well, it says that you said that 9 he never accepted responsibility and he was 10 doing it just like he always behaved; is 11 that right? 12 MS. SWAIN: Objection. 13 Q Do you agree with what you -- 14 what's there? 15 (Witness reviewing document.) 16 A Yes, ma'am. 17 Q Who is Mary Brook? Do you know? 18 A She's a label operator on line 19 three. 20 Q On Plaintiff's Exhibit Number 6, 21 where it says, Another concern I have is 22 finding Mary Brooks off the line and talking 23 to other employees, if you have given her</p>

13 (Pages 49 to 52)

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<p style="text-align: right;">53</p> <p>1 clear instructions on what she should do if  2 the line is down, then I expect you to come  3 to me for solutions to this problem, do you  4 remember what the problem was? Why -- had  5 y'all observed Mary Brook -- Brooks not  6 doing her job?  7 A Looks like we observed her  8 talking to other employees when she should  9 have been on the line.  10 Q Uh-huh. And -- and was --  11 A Uh-huh.  12 Q It was Mr. Williams'  13 responsibility to make sure that the workers  14 were doing their job duties, right, and not  15 bothering other employees? Correct?  16 A Right.  17 Q What is your understanding of --  18 of the -- the status of how somebody's  19 employment record has to be in order for  20 them to get -- to be a supervisor?  21 MS. SWAIN: Objection.  22 A I -- say that again. I -- I  23 didn't understand the question.</p>	<p style="text-align: right;">55</p> <p>1 Q Do you -- he would have been the  2 person that would have recommended that?  3 A That approved it, yes, ma'am.  4 Q Well, would he have sought any  5 input from you since you were his -- since  6 you were Mr. Williams' supervisor?  7 A Yes, ma'am, he would have.  8 Q Would he have -- and do you  9 understand what -- what the status of  10 somebody's personnel record is supposed to  11 be before they get to be a supervisor or get  12 a recommendation for a supervisor?  13 MS. SWAIN: Objection.  14 A No, ma'am.  15 Q You don't understand that?  16 A I don't -- I don't know what the  17 process is.  18 Q Well, were you around when Frank  19 Williams quit?  20 A Yes, ma'am, I sure was.  21 Q What -- what -- what do you know  22 about Mr. Williams quitting or resigning?  23 A I don't know the circumstances</p>
<p style="text-align: right;">54</p> <p>1 Q Have you ever appointed a  2 supervisor or recommended that a person be  3 made a supervisor?  4 A No, ma'am.  5 Q So you don't -- do you know what  6 the status for somebody's personnel record  7 is supposed to be before they can become a  8 supervisor?  9 A No, ma'am.  10 Q Who makes those decisions? As --  11 for instance --  12 A HR would, I guess.  13 Q Plaintiff's Exhibit Number 18 to  14 Boyer's deposition shows -- shows that  15 Mr. Franklin Williams was made temporary  16 supervisor in --  17 A Uh-huh.  18 Q -- what, July of '07?  19 A That would have came from my  20 boss.  21 Q Sir?  22 A That would have came from Ricky  23 Smothers.</p>	<p style="text-align: right;">56</p> <p>1 behind that.  2 Q Do you know he was asked to  3 resign?  4 MS. SWAIN: Objection.  5 A No, ma'am.  6 Q No one ever told you that he had  7 been asked to resign?  8 MS. SWAIN: Objection.  9 A No, ma'am.  10 Q Have you ever -- did you ever ask  11 anybody why he was gone?  12 A No, ma'am.  13 Q Do -- were you aware that Linda  14 Thornton had filed an EEOC charge?  15 A Not until we went through this --  16 this process.  17 Q Which process, getting ready for  18 the depositions?  19 A Correct.  20 Q No one asked you for any input  21 into -- to responding to an EEOC charge?  22 MS. SWAIN: Objection.  23 A No, ma'am.</p>

14 (Pages 53 to 56)



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<p style="text-align: right;">57</p> <p>1 Q Plaintiff's Exhibit Number 13, 2 what is that, sir? That's to -- to Boyer's 3 deposition. Isn't that what it says, 4 Plaintiff's 13 to Boyer's? 5 A Uh-huh. First step written 6 warning, written counseling, to Frank for 7 using profanity in the presence of other 8 co-workers. 9 Q Do you know what that was about? 10 Did you participate in -- in -- in any way 11 in that particular incident? 12 A I can't recall. 13 Q Do you -- do you remember that he 14 was written up for using profanity in front 15 of other co-workers? 16 A Yes, ma'am. 17 Q Do you recall that he was written 18 up a second time for using profanity in 19 front of co-workers? 20 A I can't recall that, ma'am. 21 Q I will show you what's been 22 marked as Plaintiff's Exhibit Number 16 to 23 Boyer's deposition. Have -- take a look at</p>	<p style="text-align: right;">59</p> <p>1 anything about this, ma'am. 2 Q Okay. 3 MS. ROBERTSON: All right. Let's 4 take a break. 5 MS. SWAIN: We're off the record 6 at 10:28 a.m. 7 (Whereupon, a short break was taken.) 8 THE VIDEOGRAPHER: We're back on 9 the record at 10:37 a.m. 10 BY MS. ROBERTSON: 11 Q You don't know anything about 12 Plaintiff's Exhibit Number 16? 13 A No, ma'am, I sure don't. 14 Q Will you look at Plaintiff's 14 15 and -- and tell me what you know about that, 16 please, sir, Plaintiff's Exhibit Number 14? 17 MS. SWAIN: 14 to whose? 18 MS. ROBERTSON: Oh, that's Ricky 19 Smothers', I think. I mean Chris 20 Jordan's. 21 MS. SWAIN: Let me see that just 22 for one second. 23 THE WITNESS: Okay.</p>
<p style="text-align: right;">58</p> <p>1 that. 2 MS. SWAIN: Ann, when you get to 3 a good stopping point, can we take a 4 short break? 5 MS. ROBERTSON: Sure. Let's -- 6 A No, ma'am. 7 Q You don't remember that? 8 A Huh-uh. No, ma'am, I sure don't. 9 Q And you -- you wouldn't have had 10 any -- any conversation with Mr. Williams 11 about Plaintiff's Exhibit Number 16? 12 A No, ma'am. 13 Q Would you have been told that he 14 was getting something like that? 15 A In this instance, no, ma'am. It 16 came from HR. 17 Q So you're telling me that as 18 Mr. Williams' supervisor, that you wouldn't 19 know whether he had been written up for 20 cursing employees that were directly -- that 21 were under you? 22 MS. SWAIN: Objection. 23 A In this instance, I didn't know</p>	<p style="text-align: right;">60</p> <p>1 MS. SWAIN: All right. 2 A Linda came to us and basically 3 told us that Frank had been making some 4 statements about him being a child molester, 5 and all of this was coming from -- from -- 6 from her. So I told Chris, Let's go ahead 7 and get all the documentation and let's turn 8 this in to HR. 9 Q Do you remember she said that -- 10 this immediately met with Melvin Hutchins 11 and Chris Jordan, do you remember where 12 y'all met? 13 A I don't know if she came up to 14 the -- I think she came up to the production 15 office. 16 Q Do you remember that you had had 17 some discussions with her about issues 18 involving Frank Williams and line three 19 operations a few days before that? 20 A I can't recall. No, ma'am, I 21 don't -- I don't remember this. 22 Q So when she came to y'all, was 23 she upset?</p>

15 (Pages 57 to 60)



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<p style="text-align: right;">61</p> <p>1 A I can't remember whether she was 2 upset or not. 3 Q Did you make any notes at the 4 time that she came to you and Chris in the 5 production office to report this? 6 A No, ma'am. We just had her fill 7 out the documentation form stating what had 8 happened and we immediately alerted HR and 9 turned it over to them. 10 Q All right. Did you ask her -- 11 when she said that -- that Frank came to her 12 saying that people were saying that she was 13 saying he was a child molester, did you ask 14 her whether or not she had been saying that? 15 A No, ma'am. 16 Q When you say you alerted HR, who 17 are you talking about you alerted? 18 A I think at that time -- I think 19 Tommy Nance was in -- in charge of HR. We 20 took that to him. 21 Q Do you recall what he said to you 22 about that, about what to do, if anything? 23 A No, ma'am. I had Chris to --</p>	<p style="text-align: right;">63</p> <p>1 A Jewel Silervy is an associate 2 that works in production. 3 Q I'll show you what's been marked 4 as Plaintiff's Exhibit Number 16. Do you 5 know -- were you present when that document 6 was filled out, plaintiff's exhibit to Chris 7 Jordan's deposition? 8 A No, ma'am. 9 Q Can you tell me who filled it 10 out? 11 A This appears to be Frank 12 Williams' handwriting. 13 Q Do you say -- do you see where he 14 says that she -- that he was told that Linda 15 was saying he was a child molester and what 16 he did 15 years ago was none of her 17 business? 18 A Uh-huh. 19 Q Did you -- did anybody tell you 20 about that document? 21 A Yes, ma'am. 22 Q Who told you about that document? 23 A Chris.</p>
<p style="text-align: right;">62</p> <p>1 to -- to get with Tommy. 2 Q Did you ever talk to Franklin 3 Williams about whether or not he had come to 4 Linda and -- about him being a child 5 molester? 6 A No, ma'am. 7 Q I'll show you what's been marked 8 as Plaintiff's Exhibit Number 15 and ask you 9 what you remember about that. On 10 Plaintiff's Exhibit Number 16, this says -- 11 is it 16 or 15 to Chris Jordan? It says -- 12 I think it says you were present; right? 13 A Present while this documentation 14 formed was being filled out. 15 Q Right. Do you recall her coming 16 to y'all about him making threats? 17 MS. SWAIN: Objection. 18 A No, ma'am. 19 Q Do you recall taking this to HR, 20 Plaintiff's Exhibit Number 15 to Chris 21 Jordan's deposition, or having -- 22 A Chris would have taken it to HR. 23 Q All right. Who is Jewel Sively?</p>	<p style="text-align: right;">64</p> <p>1 Q Did he tell you that -- that 2 Frank Williams had basically confessed to 3 being a child molester? 4 MS. SWAIN: Objection. 5 A No, ma'am. 6 Q Well, he said what he did 15 7 years ago wasn't anybody's business; right? 8 A He didn't tell me that, ma'am. 9 Q Well, what did he tell you about 10 that document? 11 A He had an employee that was 12 talking about Frank, some issues with Frank, 13 and I told him -- I said, Let's get some 14 documentation. Let's take it up to the HR. 15 Q All right. Well, what do you 16 mean some employees were talking about 17 issues with Frank? 18 A This Jewel Silervy in particular 19 had came to Frank and made some remarks 20 about some issues in his past. 21 Q Well, I mean, isn't that what my 22 -- Linda came and complained to you about in 23 Plaintiff's 14, that that's what he was</p>

16 (Pages 61 to 64)

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<p style="text-align: right;">65</p> <p>1 saying?</p> <p>2 A Uh-huh. Yes, ma'am.</p> <p>3 Q Do -- do you think that --</p> <p>4 that -- that Plaintiff's Exhibit Number 16</p> <p>5 was -- was a statement that Chris got in</p> <p>6 response to -- to taking Plaintiff's Exhibit</p> <p>7 14 to HR?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A I don't know, ma'am.</p> <p>10 Q So did Chris tell you that --</p> <p>11 well, strike that.</p> <p>12 As a result of these -- these pieces of</p> <p>13 paper, did you learn that Frank Williams was</p> <p>14 a convicted sex offender?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A I didn't know whether this was</p> <p>17 true or not.</p> <p>18 Q Had you heard that before?</p> <p>19 A No, ma'am.</p> <p>20 Q Did you -- did anybody check it</p> <p>21 out to find out if it was true or not?</p> <p>22 A I -- I don't know, ma'am.</p> <p>23 Q Did you ask Mr. Williams if it</p>	<p style="text-align: right;">67</p> <p>1 A Yes, ma'am.</p> <p>2 Q Do you know if anybody checked it</p> <p>3 out then to find out if it were true?</p> <p>4 A I have no idea, ma'am.</p> <p>5 Q And you know that it's a -- it's</p> <p>6 a law that if you're a convicted sex</p> <p>7 offender that they have to post it on the</p> <p>8 internet so that people can find out and</p> <p>9 protect their --</p> <p>10 A Uh-huh.</p> <p>11 Q -- children and themselves from</p> <p>12 predators like that; right?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A If that's the law. I don't know</p> <p>15 what the law is, ma'am.</p> <p>16 Q You -- you didn't know that that</p> <p>17 was the law, that sex offenders have to</p> <p>18 register and that they have -- it's made</p> <p>19 public on a -- on a --</p> <p>20 A No, ma'am.</p> <p>21 Q -- on a computer?</p> <p>22 MS. SWAIN: Objection.</p> <p>23 Q Never heard that?</p>
<p style="text-align: right;">66</p> <p>1 was true or not?</p> <p>2 A No, ma'am.</p> <p>3 Q It appears that Mr. Williams</p> <p>4 admits that it was true in Plaintiff's</p> <p>5 Exhibit Number 16, doesn't it?</p> <p>6 MS. SWAIN: Objection.</p> <p>7 Q And I don't like it. I don't</p> <p>8 start trouble. What happened 15 years ago</p> <p>9 is none of her business. And he's talking</p> <p>10 about her saying he was a child molester?</p> <p>11 MS. SWAIN: Objection. What's</p> <p>12 the question?</p> <p>13 Q Isn't that what he's admitting</p> <p>14 to?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A I don't read that, that --</p> <p>17 Q Well, what -- how do you read it?</p> <p>18 A Some accusations. You've got</p> <p>19 to -- you've got to figure out what's the</p> <p>20 truth and what's not.</p> <p>21 Q And y'all do background checks</p> <p>22 out there, right, criminal checks?</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">68</p> <p>1 MS. SWAIN: Objection. He's</p> <p>2 answered the question.</p> <p>3 Q Do you know that Frank Williams</p> <p>4 was -- pled guilty to having deviant sexual</p> <p>5 relations with a 10 year old?</p> <p>6 A No, ma'am.</p> <p>7 Q Do you know that he pled guilty</p> <p>8 to having sexual intercourse with a 13 year</p> <p>9 old?</p> <p>10 A No, ma'am.</p> <p>11 Q Do you know that he went to</p> <p>12 jail -- to prison for four years?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A No, ma'am.</p> <p>15 Q Do you know he was on probation</p> <p>16 when y'all hired him?</p> <p>17 MS. SWAIN: Objection.</p> <p>18 A No, ma'am.</p> <p>19 Q And you've never heard that in</p> <p>20 this whole situation?</p> <p>21 A No more than what came out of</p> <p>22 this right here.</p> <p>23 Q And when the EEOC charge was</p>

17 (Pages 65 to 68)

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<p style="text-align: right;">69</p> <p>1 filed, no one asked you about anything that</p> <p>2 -- any allegations that my client made in</p> <p>3 the EEOC charge?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A No, ma'am.</p> <p>6 Q Were you -- were you -- did you</p> <p>7 talk to my client after the incident that</p> <p>8 occurred where Mr. Williams cursed and was</p> <p>9 found guilty of cursing in front of</p> <p>10 co-workers?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 A About this particular incident?</p> <p>13 I can't -- I can't recall that.</p> <p>14 Q No. I'm talking about the one</p> <p>15 where -- where the -- where he got the</p> <p>16 warning, the first step warning.</p> <p>17 MS. SWAIN: What is the -- what's</p> <p>18 the question, again?</p> <p>19 Q Were you -- did you have any</p> <p>20 involvement with my client surrounding that</p> <p>21 incident?</p> <p>22 MS. SWAIN: Objection.</p> <p>23 A I can't recall whether I met with</p>	<p style="text-align: right;">71</p> <p>1 boss, and basically said why couldn't she go</p> <p>2 back to line three and Ricky -- Ricky</p> <p>3 basically told her that we needed her to</p> <p>4 work on line five. And she was upset and --</p> <p>5 and, you know, she needed to leave the line</p> <p>6 and Bruce Cassady called and stated that</p> <p>7 Linda was crying and he was over running the</p> <p>8 label machine. And she was saying that --</p> <p>9 Q Wait. Stop.</p> <p>10 A Go ahead.</p> <p>11 Q Bruce Cassady was over running</p> <p>12 the label machine?</p> <p>13 A Right. He stepped in and ran the</p> <p>14 label machine for Linda because Linda said</p> <p>15 she couldn't work on the labeler because she</p> <p>16 was upset.</p> <p>17 Q All right. And he -- he -- did</p> <p>18 he call -- how did -- did he call you on the</p> <p>19 --</p> <p>20 A Bruce said, I'm on line two's --</p> <p>21 I'm on line five's label machine.</p> <p>22 Q And what else did he say?</p> <p>23 A Wanted to find out why he was on</p>
<p style="text-align: right;">70</p> <p>1 her or not.</p> <p>2 Q So -- Okay. Did you talk to her</p> <p>3 before she left the employment of -- of</p> <p>4 Flavor House?</p> <p>5 A No, ma'am.</p> <p>6 Q Did you know why she left the</p> <p>7 employment of Flavor House?</p> <p>8 A I had my -- I had my suspicions,</p> <p>9 but I didn't know.</p> <p>10 Q Okay. Well, what -- what were</p> <p>11 your suspicions?</p> <p>12 A She was upset and she didn't want</p> <p>13 to work with Frank.</p> <p>14 Q And why did you have those</p> <p>15 suspicions?</p> <p>16 A Just things that happened in the</p> <p>17 plant on the -- on her day of leaving.</p> <p>18 Q Tell me.</p> <p>19 A She wanted to go back to line --</p> <p>20 if I'm not mistaken, she wanted to go back</p> <p>21 to line three.</p> <p>22 Q Right.</p> <p>23 A She got with Ricky Smothers, my</p>	<p style="text-align: right;">72</p> <p>1 the machine.</p> <p>2 Q And what did you find out?</p> <p>3 A He said, Well, Linda's -- she</p> <p>4 left the line. She was upset. She said she</p> <p>5 couldn't work so I'm going to help you guys</p> <p>6 out by keeping the line running.</p> <p>7 Q Did -- did you -- did she -- and</p> <p>8 did he tell you why she was upset?</p> <p>9 A No.</p> <p>10 Q Other than she didn't want to</p> <p>11 work with Frank Williams?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A No. She didn't say that.</p> <p>14 Q Oh, I thought you said it, but</p> <p>15 we'll just watch the tape and see if that's</p> <p>16 not what you said.</p> <p>17 MS. SWAIN: Objection.</p> <p>18 MS. ROBERTSON: To what?</p> <p>19 MS. SWAIN: He did not say that</p> <p>20 Bruce told him that she was upset. He</p> <p>21 said he understood that she was upset</p> <p>22 and you're changing what he said to try</p> <p>23 to get --</p>

18 (Pages 69 to 72)



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<p style="text-align: right;">73</p> <p>1 Q Well, you understood she was 2 upset because she didn't want to work with 3 Frank Williams; right? 4 A Correct. 5 MS. SWAIN: And then you asked 6 her -- him a different question. 7 Q And how did -- how did you find 8 that out? 9 A Through all of this. 10 Q All right. And did you talk to 11 her about it? 12 A No, ma'am. 13 Q Did you understand why she was 14 upset about working with Frank Williams? 15 A I didn't understand why she was 16 upset about working on line five's labeler. 17 Q Did you -- was -- was label (sic) 18 three about to get a new label machine? 19 A I don't recall that. 20 Q And -- and there was a -- she had 21 been working on a -- a very raggedy old 22 label machine for some time on line three, 23 had she not?</p>	<p style="text-align: right;">75</p> <p>1 Q Tell me in terms of distance how 2 far lane -- line five and line three are 3 from each other. 4 A I'm not good at distance, but a 5 pretty good piece. 6 Q What does that mean? 7 A Maybe from here to the -- the 8 door as you go out up front. 9 Q Okay. So we're talking 24 feet? 10 A Yeah. And you've got a line in 11 between. 12 Q Tell me what you know about the 13 pay for skills situation. 14 A Pay for skills, that was set up 15 to, you know, award employees that wanted 16 to, you know, earn more money. It was 17 something that we put in place right after 18 Mary Ann got there. 19 Q All right. And -- and what do 20 you mean wanted to earn more money? 21 A Different skill sets. You know, 22 learning how to run more than one piece of 23 equipment and be proficient at it.</p>
<p style="text-align: right;">74</p> <p>1 MS. SWAIN: Objection. 2 A I wouldn't say raggedy. But, 3 yeah, she had been working line three 4 labeler. 5 Q And she had been told that they 6 were going to get a new label machine on 7 line three; correct? 8 MS. SWAIN: Objection. 9 A I don't recall that. 10 Q Well, y'all had -- y'all got a 11 new label machine on line three, didn't you? 12 A We got several different label 13 machines. 14 Q When did you get the new label 15 machine on line three? 16 A I can't recall the date, ma'am. 17 Q Well, can you tell me why she was 18 moved off of -- off of line three? 19 A That was a HR decision. 20 Q And she obviously didn't want to 21 do it; is that correct? 22 MS. SWAIN: Objection. 23 A No, she didn't.</p>	<p style="text-align: right;">76</p> <p>1 Q All right. And -- and did you 2 have different levels of, say, operators? 3 A Yes, ma'am, we sure did. 4 Q How many -- how many levels did 5 you have? 6 A Four. 7 Q And -- and each level paid more 8 than the -- the one below; is that correct? 9 A Yes, ma'am. 10 Q And how did you decide who should 11 get what rating? 12 A Their supervisor. The supervisor 13 would make the -- the recommendation as to 14 what they thought. 15 Q Well, in -- in many cases a 16 supervisor would not have supervised them if 17 they had worked on different operating -- 18 different operating machines; correct? 19 MS. SWAIN: Objection. 20 A Not necessarily. 21 Q Okay. Well, tell me how it was 22 decided. Did y'all have -- did y'all have a 23 meeting?</p>

19 (Pages 73 to 76)

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<p style="text-align: right;">77</p> <p>1 A We sure did.</p> <p>2 Q Who was at the meeting?</p> <p>3 A Chris Jordan, Fanny Ash, Betty</p> <p>4 Brown, Larry Hatcher, Eugene Andrews, Bruce</p> <p>5 Cassady.</p> <p>6 Q Anybody else?</p> <p>7 A I want to say Mary Ann was there</p> <p>8 and Ricky.</p> <p>9 Q And -- and did you have a list of</p> <p>10 what -- what the skill sets were in order to</p> <p>11 qualify for the different stages?</p> <p>12 A We -- we set that. That was the</p> <p>13 basis of the meeting, to set what the</p> <p>14 criteria was for the different pay for skill</p> <p>15 levels.</p> <p>16 Q Is that in writing anywhere?</p> <p>17 A Yes, ma'am.</p> <p>18 Q All right. And what were the</p> <p>19 criteria?</p> <p>20 A I would have -- I don't -- I</p> <p>21 can't verbatim say what they were, ma'am.</p> <p>22 Q Well, was -- so level four you</p> <p>23 had to have trained someone else on a</p>	<p style="text-align: right;">79</p> <p>1 Q What's a PAN?</p> <p>2 A Personnel action notice.</p> <p>3 Q Okay.</p> <p>4 A Bruce is basically saying she can</p> <p>5 run the label machine. She run it</p> <p>6 proficiently.</p> <p>7 Q It says she had become a complete</p> <p>8 operator. She does a good job and listens</p> <p>9 very well. And he signed it and so did you</p> <p>10 sign it; right?</p> <p>11 A Uh-huh.</p> <p>12 Q Sir? Yes or no.</p> <p>13 A Uh-huh. Yes, ma'am.</p> <p>14 Q And that's in '02?</p> <p>15 A Uh-huh. Yes, ma'am.</p> <p>16 Q When did she -- did she work on a</p> <p>17 jar line?</p> <p>18 A She sure did.</p> <p>19 Q When was that?</p> <p>20 A I can't remember the dates.</p> <p>21 Q And after she worked on a jar</p> <p>22 line, did she teach Vicki Cook how to be an</p> <p>23 operator?</p>
<p style="text-align: right;">78</p> <p>1 machine; correct?</p> <p>2 A Train and -- and were able to --</p> <p>3 to run all label machines proficiently.</p> <p>4 Q Okay. And all -- and tell me the</p> <p>5 different label machines.</p> <p>6 A You've got a can line label</p> <p>7 machine. You've got a jar line label</p> <p>8 machine.</p> <p>9 Q What? A can line what?</p> <p>10 A Can line and a jar line label</p> <p>11 machine. You've got -- you've got a</p> <p>12 wrapper.</p> <p>13 Q You need to spell that second</p> <p>14 word for me. I'm not hearing it.</p> <p>15 MS. SWAIN: Jar.</p> <p>16 A Jar.</p> <p>17 Q Jar. I'm sorry. Jar -- can and</p> <p>18 jar and what else?</p> <p>19 A That's it.</p> <p>20 Q Okay. Now, Plaintiff's Exhibit</p> <p>21 Number 9 to Chris Jordan's deposition, what</p> <p>22 is that, please, sir?</p> <p>23 A That's a PAN saying that --</p>	<p style="text-align: right;">80</p> <p>1 A Uh-huh. Yes, ma'am.</p> <p>2 Q And when was that?</p> <p>3 A I can't remember those dates.</p> <p>4 Q Was it before y'all made the</p> <p>5 assignments to -- as to which kind of</p> <p>6 operator she would be, what level of</p> <p>7 operation she would be?</p> <p>8 A I don't think so.</p> <p>9 Q You don't think so. It was</p> <p>10 after?</p> <p>11 A I -- I don't know.</p> <p>12 (Plaintiff's Exhibit Number</p> <p>13 10 was marked for identification</p> <p>14 and attached to the deposition.)</p> <p>15 BY MS. ROBERTSON:</p> <p>16 Q Plaintiff's 10 to your</p> <p>17 deposition, what is that, please, sir?</p> <p>18 A This is a yearly increase for --</p> <p>19 for -- for Linda.</p> <p>20 Q And that was in '03. Do you know</p> <p>21 what kind of operating she was doing then?</p> <p>22 A I can't recall what -- what she</p> <p>23 was doing or which labeler she was running.</p>

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<p style="text-align: right;">81</p> <p>1 Q Can you tell me why Linda got</p> <p>2 a -- a level one assignment to -- to the</p> <p>3 operator?</p> <p>4 A Because her supervisor felt</p> <p>5 that's where she was at.</p> <p>6 Q Which supervisor was that?</p> <p>7 A Fanny Ash.</p> <p>8 Q Well, you had been her supervisor</p> <p>9 and Bruce Cassady had been her supervisor,</p> <p>10 had they not?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 A Bruce had been her supervisor.</p> <p>13 Q All right. And Bruce said she</p> <p>14 was a complete operator.</p> <p>15 A For the label machine that she</p> <p>16 was running at that time.</p> <p>17 Q Can you tell me the other</p> <p>18 operators who were assigned level one at the</p> <p>19 time you did -- you assigned the first</p> <p>20 assignments?</p> <p>21 A No, ma'am.</p> <p>22 Q Was there a list?</p> <p>23 A Uh-huh. Yes, ma'am.</p>	<p style="text-align: right;">83</p> <p>1 DEPOSITION CONCLUDED</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">82</p> <p>1 Q And where would that list be?</p> <p>2 A In their personnel file.</p> <p>3 Q There would be a list of -- in</p> <p>4 whose personnel file?</p> <p>5 A It would be -- the level -- what</p> <p>6 level each operator is will be in their</p> <p>7 personnel file.</p> <p>8 Q I'm -- I'm asking you was there a</p> <p>9 list of everybody made with a level</p> <p>10 assignment?</p> <p>11 A I can't recall whether we did</p> <p>12 that or not.</p> <p>13 Q So in order for me to find out</p> <p>14 which ones got which assignments, I'm going</p> <p>15 to have to have everybody's personnel file?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay.</p> <p>18 MS. ROBERTSON: That will be -- I</p> <p>19 think -- I think that's all I have for</p> <p>20 him.</p> <p>21 MS. SWAIN: Okay. You're done.</p> <p>22 THE VIDEOGRAPHER: The deposition</p> <p>23 is over at 11:01 a.m.</p>	<p style="text-align: right;">84</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA:</p> <p>4 COUNTY OF BUTLER:</p> <p>5</p> <p>6 I hereby certify that the above and</p> <p>7 foregoing deposition was taken down by me in</p> <p>8 stenotype and the questions and answers</p> <p>9 thereto were transcribed by means of</p> <p>10 computer-aided transcription, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the testimony given by said</p> <p>13 witness upon said hearing.</p> <p>14 I further certify that I am neither of</p> <p>15 counsel, nor of kin to the parties to the</p> <p>16 action, nor am I in anywise interested in</p> <p>17 the result of said cause.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>RENNY MCNAUGHTON  Certified Court Reporter  License Number: ACCR #:411</p>

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367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## Training Documentation

I, Frank Williams have received training on  
ccp#WICCP00300, ccp #WICCP 1100, I have received a copy and clearly  
understand the work instructions.

Signed *Frank Williams* Date 3-19-07

Handwritten  
PLAINTIFF'S  
EXHIBIT

## Nutcracker Brands Inc.



Nutcracker



## EMPLOYMENT APPLICATION

PERSONAL (RESUME MAY BE ATTACHED)

DATE

09-22-00

NAME: LAST FIRST MIDDLE INITIAL

Williams

Frank

D

TEMPORARY ADDRESS

CITY

STATE

ZIP CODE

PERMANENT ADDRESS

CITY

STATE

ZIP CODE

2271 South St Hwy

Newton

AZ

AREA CODE-TEMPORARY PHONE NUMBER

334 692-3099

AREA CODE-PERMANENT PHONE NUMBER

334 692-4334

SOCIAL SECURITY NUMBER

417-02-3546

WERE YOU EVER EMPLOYED BY ALSTON PURINA, RALCORP HOLDINGS, OR ANY OF THEIR SUBSIDIARIES/AFFILIATES?

☐ YES ☒ NO

IF YES, WHEN - WHERE

HAVE YOU EVER BEEN CONVICTED OF ANY FELONY? IF YES, DESCRIBE IN DETAIL (CONVICTIONS WILL NOT AUTOMATICALLY DISQUALIFY JOB CANDIDATES)

☒ YES ☐ NO

Sextory Rape my girlfriend was 2 years younger than me when I was 18

FOR WHAT POSITION ARE YOU APPLYING?

SALARY EXPECTATIONS

open

DATE AVAILABLE

09-25-00

HOW DID YOU BECOME AWARE OF THE POSITION?

Duce Cassidy

ARE YOU RELATED TO ANYONE EMPLOYED BY THE COMPANY? IF YES, WHO AND WHAT IS YOUR RELATIONSHIP?

☐ YES ☒ NO

WILL YOU WORK OVERTIME, IF REQUIRED?

☒ YES ☐ NO

WILL YOU WORK WEEKENDS, IF REQUIRED?

☒ YES ☐ NO

## EDUCATION

Achieved High School Diploma/GED? ☒ YES ☐ NO

(Include Education in Progress.)

HIGH SCHOOL/LOCATION

JFI Ingram

FROM  
MO. YR.TO  
MO. YR.DIPLOMA  
DEGREE  
DATE

Ged

MAJOR

CLASS STANDING  
OR GRADE  
POINT AVERAGE

TECHNICAL SCHOOL/COLLEGE LOCATION

JFI Ingram

3-92

4-94

AA

Business

3.4

PLEASE LIST SPECIAL SKILLS, CERTIFICATIONS OR QUALIFICATIONS YOU POSSESS (SUCH AS FOREIGN LANGUAGE FLUENCY, CPA, COMPUTER SKILLS, ETC.)

PLAINTIFF'S  
EXHIBIT2  
Hutchins

X Counseling Report

Warning Report

Employee	Linda Parrish	Emp. #	Date Submitted for Approval
Department		Shift	Date Violation Occurred 6-25-04
Shift Supervisor	Larry Hatcher	Department Manager	Melvin Hutchins

SITUATION IN BRIEF (State violation according to Discipline & Discharge Policy):

Group I, No. 7 - The use of offensive or abusive language that offends others.

DETAILS (Be specific)(See checklist on back):

Date Discussed With Employee

On Friday June 25, 2004 at approximately 6:00 PM Linda was struck by a bottle of peanuts tossed by John Milsap (Maintenance). She responded by using offensive language to him. He also used offensive language.

6-30-04 - Bottle of peanuts were not "tossed" - the bottle was thrown - striking me in the chest - And then was told that "when I tell you to turn the "t" ...." Young off - you turn it off." Very short time to think about what words to say after being hit in the chest with a bottle of peanuts. Linda Parrish

ACTION TAKEN (Recommendation)(See checklist on back):

Group I Warning

PLAINTIFF'S EXHIBIT

3 Hutchins

Linda Parrish 6-30-04			
Shift Supervisor	Larry Hatcher	Date	6-30-04
Witness	CE	Date	6-30-04
Department Manager	Melvin Hutchins	Date	6-30-04
Human Resources	Ruth Williams	Date	7/1/04
Plant Manager		Date	

NOTICE: MUST BE APPROVED BY HUMAN RESOURCES AND PLANT MANAGER

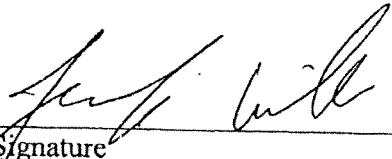
During the week of July 3, 2006 it was observed that you clocked in and returned outside to the smoking area. As a team leader it is your responsibility to lead by example.

Effective immediately, you should not clock in more than 5 minutes before your scheduled time. Also, once you clock in you should go immediately to the floor or production office.

Failure to follow these guidelines will result in disciplinary action.

**PLAINTIFF'S  
EXHIBIT**

4 Hutchins

  
Signature  
Frank Williams  
Print

7-11-06  
Date  
7-11-06  
Date

CONFIDENTIAL

FH000867



Christopher J.  
Jordan/NC/Ralcorp  
10/25/2006 03:23 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Brandon A. Hutchins/NC/Ralcorp@RALCORP  
bcc  
Subject

Please place in personnel file:

I explained to Frank Williams that he should clock out for each break. For the past two days he has clocked out for one break and not two breaks. I believe I have told him to do this before.

PLAINTIFF'S  
EXHIBIT

5-  
Hutchins

CONFIDENTIAL

FH000865

Christopher J.  
Jordan/NC/Ralcorp  
05/10/2006 03:23 PM

To Frank D. Williams/NC/Ralcorp@RALCORP  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
bcc S. Leigh Allums/NC/Ralcorp  
Subject Re: 5-10.xls

In the future, when line 3 has a drain off I need you to check with me on what time the employees on the line should report to work. If I do not give you a clear and definite answer please do not assume I want them to come in a regular time. Also, when the line has a drain off I need you to make certain that you do everything in your power to have the packaging line running at the scheduled time. If I have overloaded you and this is preventing you from making certain the line starts on time please let me know.

Another concern I have is finding Mary Brooks off the line and talking to other employees. If you have given her clear instructions on what she should do if the line is down then I expect you to come to me for solutions to this problem. The employees that report to you are a direct reflection of you and me. Your doing a good job but we need to focus our efforts in resolving these problems before the busy season hits.

**PLAINTIFF'S  
EXHIBIT**

6 Hutchins.

CONFIDENTIAL

FH000869

Christopher J.  
Jordan/NC/Ralcorp  
10/26/2006 04:32 PM

To S. Leigh Allums/NC/Ralcorp@Ralcorp  
cc Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

Please place in personnel file:

On Tuesday, October 24, 2006 I had a meeting with Frank Williams. During this meeting I discussed how it appeared he had no sense of urgency. I explained that he needed to put on his radio first thing in the morning and notify everyone of what is happening on line 3. This would keep everyone informed and we would know that he is aggressively working on the problems. He stated that he could not wear his radio first thing in the morning because they were locked up in the production office. I instructed him to keep one in the processing supervisors office because they come in the same time he does and this would eliminate that problem.

**PLAINTIFF'S  
EXHIBIT**

7 Hutchins

CONFIDENTIAL

FH000864

Christopher J.  
Jordan/NC/Ralcorp  
08/02/2006 03:08 PM

*file*

To Thomas A. Nance/NC/Ralcorp@RALCORP  
cc Ricky L. Smothers/NC/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Frank Williams

This morning before 7:00 a.m., Eugene Andrews told me on the radio that Frank Williams needed to see me. I walked down to line 3 and he asked what I was doing about a capper on line 3. The question was not the issue but the expression and carefree attitude in which it was asked. Also, I asked him why he didn't have his radio and with the same attitude he said I'm on the label machine.

At this point it appeared that the issues addressed the previous day were an issue today. I asked Melvin Hutchins to meet with us to bring this out in the open. When I addressed them with Frank Williams he had excuses and reasons for everything. I explained to Frank that whatever happened yesterday did not need to reflect on his work today. Again, Frank explained that I was mistaken.

Melvin then added that whenever we tried to address any issues that Frank would show in his expressions and actions that he was never in the wrong just like he was doing now. He also added that we are trying to help him but he has to take ownership of the problems and show some improvement.

**PLAINTIFF'S  
EXHIBIT**

*✓ Hutchins*

CONFIDENTIAL

FH000866

# Memo

**To:** Frank Williams  
**From:** Chris Jordan  
**CC:** Melvin Hutchins  
Eugene Andrews  
Richard Holland  
**Date:** 12/13/2005  
**Re:** Job Performance

---

I appreciate the job you are doing on Line 3. The numbers are up and we are making standard on a more normal basis. However, the following are a list of concerns that I need you to focus on in the upcoming weeks:

1. Work with the team members on the line on cleanliness. Too many times they are not as active in cleaning the line and usually it is the same couple of employees.
2. I need you to wear a radio every day. This will help Melvin and me in communicating with you about the daily activity of the line.
3. I feel you need to focus more on training the employees rather than doing the work yourself. I understand that until you have a dedicated filler operator your time is taken up running the filler. Don't be afraid to sacrifice a little downtime while a team member is learning a new task.
4. All paperwork must be filled out completely. Please take a few minutes at the end of shift to make certain the paperwork is completed properly. Also, this will make certain when you have a new filler operator that you can instruct them in the proper way to complete all paperwork.

I am confident that that these are minor issues that you can resolve. If you need any assistance please let me know.

**PLAINTIFF'S  
EXHIBIT**

9 Hutchins



Please check applicable box

☐ New Hire  
☐ Transfer (Lateral)

☐ Promotion  
☐ Termination

☒ Salary Adjustment  
☐ Title/Grade Change

☐ Other \_\_\_\_\_  
☐ Leave of Absence

Effective Date of this Action: 9/29/03

New Department Salary Account No.: \_\_\_\_\_

Employee Name (Last) <u>Parrish</u>		First <u>Linda</u>		Middle
Current Job Title <u>Label Opr.</u>	Grade	Department <u>Prod.</u>	Location	Reports To:
<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non Exempt		<input checked="" type="checkbox"/> F/T Regular <input type="checkbox"/> P/T Regular		
New Job Title		Grade	Department	Location
<input type="checkbox"/> Exempt <input type="checkbox"/> Non Exempt		<input type="checkbox"/> F/T Regular <input type="checkbox"/> P/T Regular		
<b>Salary Adjustment</b>				
Current Salary Range				
Minimum		Midpoint		Maximum
Current Salary (or Salary for New Employee)		Amount of Change		Percentage
Per Month \$ _____		Per Month \$ _____		Merit
Per Year \$ _____		Per Year \$ _____		<u>3</u> %
Hourly (if Applicable) <u>\$ 10.55</u>		Hourly (if Applicable) \$ _____		Promotional
				_____ %
New Salary				
Per Month \$ _____				
Per Year \$ _____				
Hourly (if Applicable) \$ <u>10.87</u>				
<b>Termination</b>				
Reason for Separation		Last Day Worked		
<input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary				
Comments				
<b>PLAINTIFF'S EXHIBIT</b> <u>10 Hutchins</u>				
Approval:				
Requesting Department Manager/Date <u>Melvin Hutchins 9-29-03</u>		Department Head/Date		Corporate Officer/Date <u>[Signature] 9-30-03</u>

Human Resources Use Only - Do Not Complete This Section					
Social Security No.	Job Number		EEO Code - Job Group	Census Code	Department Number
Company # / Floor #	Source Code	W/C Code	Rate Code	Job Posting #	Replaced
Separation Pay		Vacation Pay		Term Code	Last Day Paid
<input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> Y <input type="checkbox"/> N			Payroll Entry Date
H.R. Manager Approvals/ Date		Compensation Analyst/Date		H.R. Data Specialist/Date	

Revised 8/03

**FREEDOM COURT REPORTING**

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 SOUTHERN DIVISION 4 5 CIVIL ACTION NUMBER 107-cv-712-WKW 6 LINDA THORNTON, 7 8 Plaintiff(s), 9 v. 10 FLAVOR HOUSE PRODUCTS, INC., 11 12 Defendant(s). 13 14 DEPOSITION TESTIMONY OF: 15 BRUCE CASSADY 16 17 18 19 20 Commissioner: 21 Renny D. McNaughton 22 June 11, 2008 23 Dothan, Alabama</p>	<p>1 Robertson the original transcript of the 2 oral testimony taken the 11th day of June, 3 2008, along with exhibits. 4 Please be advised that this is the 5 same and not retained by the Court Reporter, 6 nor filed with the Court. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p>1 STIPULATION 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their respective 4 counsel that the deposition of Bruce 5 Cassidy, may be taken before Renny D. 6 McNaughton, Court Reporter and Notary 7 Public, State at Large, at the offices of 8 Bobbie Crook, Dothan, Alabama, on the 11th 9 day of June, 2008, commencing at 10 approximately 10:00 a.m. 11 IT IS FURTHER STIPULATED AND AGREED 12 that it shall not be necessary for any 13 objections to be made by counsel to any 14 questions, except as to form or leading 15 question and that counsel for the parties 16 may make objections and assign grounds at 17 the time of trial or at the time said 18 deposition is offered in evidence, or prior 19 thereto. 20 In accordance with Rule 5(d) of the 21 Alabama Rules of Civil Procedure, as 22 amended, effective May 15, 1988, I, Renny D. 23 McNaughton, am hereby delivering to Ms.</p>	<p>1 INDEX 2 EXAMINATION BY: PAGE NO. 3 Ms. Robertson 7 4 5 EXHIBITS 6 No. 29 28 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">5</p> <p>1 APPEARANCES</p> <p>2 FOR THE DEFENDANT (S):</p> <p>3 Jennifer F. Swain</p> <p>4 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>5 Berkowitz, PC</p> <p>6 Wachovia Tower, 420 North Twentieth Street,</p> <p>7 Suite 1600</p> <p>8 Birmingham, Alabama 35203-5202</p> <p>9 FOR THE PLAINTIFF (S):</p> <p>10 Ann C. Robertson</p> <p>11 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>12 The Kress Building</p> <p>13 301 Nineteenth Street North</p> <p>14 Birmingham, Alabama 35203</p> <p>15 Bobbie S. Crook</p> <p>16 Attorney at Law</p> <p>17 367 S. St. Andrews St.</p> <p>18 Dothan, Alabama 36301</p> <p>19</p> <p>20 Also Present: Linda Thornton</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">7</p> <p>1 Crook, PC, Dothan, Alabama. My name is</p> <p>2 Joey McClain representing Freedom Court</p> <p>3 Reporting. Would counsel identify</p> <p>4 yourself and state whom your represent.</p> <p>5 MR. ROBERTSON: Ann Robertson and</p> <p>6 I represent the plaintiff.</p> <p>7 MS. SWAIN: Jennifer Swain and I</p> <p>8 represent defendant Flavor House.</p> <p>9 MS. CROOK: Bobbie Crook and I</p> <p>10 represent the plaintiff.</p> <p>11 (Witness Sworn.)</p> <p>12 THE COURT REPORTER: You are</p> <p>13 sworn. Usual stipulations?</p> <p>14 MS. SWAIN: We would like to read</p> <p>15 and sign.</p> <p>16 BRUCE CASSADY</p> <p>17 (having been duly sworn, was examined and</p> <p>18 testified as follows:)</p> <p>19 EXAMINATION</p> <p>20 BY MR. ROBERTSON:</p> <p>21 Q And, well, I guess we have this</p> <p>22 agreement that we usually ask a whole bunch</p> <p>23 of questions about your family in the Middle</p>
<p style="text-align: right;">6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 10:00</p> <p>10 a.m. on the 11th day of June, 2008, Bruce</p> <p>11 Cassady, witness in the above cause, for</p> <p>12 oral examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: Okay. This</p> <p>16 begins videotape number 1 in the</p> <p>17 deposition of Bruce Cassady in the</p> <p>18 matter of Linda Thornton versus Flavor</p> <p>19 House Products and Franklin D. Williams</p> <p>20 Jr., case number 107-CV-712-WKW. We are</p> <p>21 on the record at 10:04 a.m. on Wednesday</p> <p>22 June the 11th, 2008. This deposition is</p> <p>23 taking place at the offices of Bobbie S.</p>	<p style="text-align: right;">8</p> <p>1 District of Alabama so we'll make sure we</p> <p>2 won't put somebody's relative or, you know,</p> <p>3 husband on the jury.</p> <p>4 A Uh-huh.</p> <p>5 Q To save time, I'm not going to go</p> <p>6 into a lot of your familial background if</p> <p>7 you will agree to provide us with a list</p> <p>8 before trial if it becomes necessary. That</p> <p>9 would be your relatives, their spouses and</p> <p>10 where they work.</p> <p>11 A Sure.</p> <p>12 Q And that's not to aggravate or</p> <p>13 anything. That's just to make sure if we</p> <p>14 get to a jury that we can, you know, tell</p> <p>15 about that. Is that okay with you?</p> <p>16 A Sure.</p> <p>17 Q Will you state your name, please,</p> <p>18 sir?</p> <p>19 A Timothy Bruce Cassady.</p> <p>20 Q Are you the man that named your</p> <p>21 son Butch?</p> <p>22 A I am.</p> <p>23 Q I said there's a sick person</p>

## FREEDOM COURT REPORTING

<p style="text-align: right;">9</p> <p>1 involved in that. And where do you work, 2 Mr. Cassady? 3 A I work at Bremner Food Group. 4 Q And is that Favor House? 5 A Yes. 6 Q And for the purposes of this 7 litigation since it's been different owners, 8 we're just calling it Flavor House. 9 A Okay. That's fine. 10 Q Okay. How long have you worked 11 there, please, sir? 12 A About 21 and a half years. 13 Q And have you done the same thing 14 the whole time you've been there? 15 A No. 16 Q Can you go through briefly the 17 positions you've held? 18 A I just -- I was a regular general 19 labor person to start off with. I became a 20 label operator somewhere in '87. Do I need 21 to give you the years? 22 Q Yeah. Tell me -- I don't want -- 23 I don't want to do math this morning. Tell</p>	<p style="text-align: right;">11</p> <p>1 the manager or the supervisor? 2 A Well, I was still hourly then. 3 Q Okay. 4 A And I helped out label operators, 5 and then they put -- then, I guess, I did 6 that -- just did that for a little while, 7 and then they put me in the label room and 8 called me a label room supervisor. 9 Q Okay. I'm not sure I heard the 10 term or known about the label room until 11 just now. What is the label room? 12 A Just where we store labels. One 13 -- at that time there was two guys working 14 in there and then one of them left and then 15 only one was in there until they hired 16 another one several months later. Usually 17 there was two people in there and myself. 18 Q Yeah. Okay. And -- and you were 19 their supervisor? 20 A I was their supervisor, yes. 21 Q Did you do any other duties 22 besides supervise the labels? 23 A I helped -- I still continued</p>
<p style="text-align: right;">10</p> <p>1 me when you -- 2 A I started in October of '86. 3 Q Okay. And -- and you were 4 general laborer until '87? 5 A Yes, ma'am. 6 Q Okay. And then what happened? 7 A Then I become a MRO buyer in 8 April of 1990. 9 Q What is an MRO buyer? 10 A Buy maintenance and repair parts. 11 Q Okay. All right. And then what 12 happened? 13 A I did that until December of '98. 14 Q Okay. 15 A And then I become a -- I worked 16 on the maintenance crew, second shift until 17 April of -- of 2000. 18 Q All right. And what happened in 19 2000? 20 A Then I become -- they brought me 21 back on the floor to help out label 22 operators. 23 Q What do you mean? Were you like</p>	<p style="text-align: right;">12</p> <p>1 helping label operators. 2 Q And when you say you helped them, 3 did you train them? 4 A Yeah. Trained them. 5 Q Anything else besides training 6 them? 7 A Helped them on day-to-day 8 problems they might have. 9 Q Troubleshooting? 10 A Yes. 11 Q Now, when -- maintenance, we're 12 talking about maintenance of the machines; 13 correct? 14 A I actually worked in the 15 maintenance department. 16 Q Right. But is that what the 17 maintenance department did? 18 A Yes. I worked -- mainly me and I 19 guy changed over lines at night is what we 20 did. 21 Q Okay. Now, how long did you stay 22 being the label room supervisor? 23 A I -- I -- I'm kind of fuzzy on</p>



## FREEDOM COURT REPORTING

<p style="text-align: right;">13</p> <p>1 that year. I want to say it was probably --</p> <p>2 I don't remember exact. I want to say</p> <p>3 November of 2003.</p> <p>4 Q And then what happened?</p> <p>5 A Then we had a gentleman that had</p> <p>6 to leave and go -- he went to Iraq for a</p> <p>7 year. Well, he was there about nine months.</p> <p>8 And I -- I scheduled in packaging supplies</p> <p>9 in the front office.</p> <p>10 Q Was that a supervisory job?</p> <p>11 A No.</p> <p>12 Q And then -- is that what you do</p> <p>13 now?</p> <p>14 A No.</p> <p>15 Q All right. What was the next</p> <p>16 position you held?</p> <p>17 A Maintenance planner. I did that</p> <p>18 until February of this year.</p> <p>19 Q Now, did you ever -- are any of</p> <p>20 these jobs hourly jobs?</p> <p>21 A I become salary when I was a</p> <p>22 label room supervisor at some point in time.</p> <p>23 I don't know exactly when --</p>	<p style="text-align: right;">15</p> <p>1 salary? Is that a salary job?</p> <p>2 A Yes.</p> <p>3 Q Okay. And then after -- what</p> <p>4 happened after -- what was your next</p> <p>5 position?</p> <p>6 A February of this year I become</p> <p>7 production supervisor.</p> <p>8 Q And who -- who was directly over</p> <p>9 you?</p> <p>10 A At which job?</p> <p>11 Q At the production supervisor.</p> <p>12 A Melvin Hutchins is my immediate</p> <p>13 boss.</p> <p>14 Q All right. And who -- does any</p> <p>15 -- does anybody report to you?</p> <p>16 A People on the packaging floor</p> <p>17 does now.</p> <p>18 Q Okay. About how many people is</p> <p>19 that?</p> <p>20 A Right now it's a lot more, but</p> <p>21 it's usually about 23. I think 23 people.</p> <p>22 Q Since you've been -- you were in</p> <p>23 the label room from -- I mean a label --</p>
<p style="text-align: right;">14</p> <p>1 Q Okay.</p> <p>2 A -- they put me to salary.</p> <p>3 Q And why did you stop being a</p> <p>4 label room supervisor and -- and go up to</p> <p>5 the office?</p> <p>6 A They needed -- they needed me to</p> <p>7 do that.</p> <p>8 Q Okay. Who took over the label</p> <p>9 room supervisor?</p> <p>10 A Nobody. The production manager</p> <p>11 did it.</p> <p>12 Q Who was that?</p> <p>13 A Melvin Hutchins.</p> <p>14 Q All right. So now in 2000 you</p> <p>15 are the -- what is a maintenance planner?</p> <p>16 A I just assisted the -- the MRO</p> <p>17 buyer and -- and on capital projects and I</p> <p>18 kept up a down time report for maintenance</p> <p>19 and just basically a secretary for the</p> <p>20 maintenance manager basically --</p> <p>21 Q Okay.</p> <p>22 A --is what it was.</p> <p>23 Q Okay. All right. Are you still</p>	<p style="text-align: right;">16</p> <p>1 helped label operators who were in the label</p> <p>2 room about 2000; is that right?</p> <p>3 A 2000 -- April of 2000 I went back</p> <p>4 on the floor.</p> <p>5 Q Is it -- is it the custom or</p> <p>6 habit of Flavor House to hire label</p> <p>7 operators off the street with no experience?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A They've done it in the past. We</p> <p>10 have done it when nobody there would want</p> <p>11 it. Yeah, we have done it.</p> <p>12 Q And when you hire somebody off</p> <p>13 the street as a label operator and they</p> <p>14 can't operate a label machine, what do you</p> <p>15 do?</p> <p>16 A You train them.</p> <p>17 Q All right. Do they get a lesser</p> <p>18 amount of pay until they are trained, if you</p> <p>19 will?</p> <p>20 A I --</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A I don't -- I don't know. I don't</p> <p>23 remember what we -- I don't remember how the</p>



## FREEDOM COURT REPORTING

<p style="text-align: right;">17</p> <p>1 process was working at that time back then.</p> <p>2 Q In 2000?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Do you remember who was hiring</p> <p>5 for -- hiring label operators at the time?</p> <p>6 MS. SWAIN: When you say "at the</p> <p>7 time," are you talking about 2000?</p> <p>8 MR. ROBERTSON: 2000, yeah.</p> <p>9 A I don't -- no, I really don't. I</p> <p>10 mean I don't remember who -- who actually</p> <p>11 did it. I remember interviewing some</p> <p>12 people, but I don't -- I don't know who</p> <p>13 actually -- actually hired them.</p> <p>14 Q Were -- were you the person who</p> <p>15 were interviewing during that time period?</p> <p>16 A I -- I did interview a couple of</p> <p>17 people.</p> <p>18 Q Okay. Who else was interviewing</p> <p>19 people? Do you know?</p> <p>20 A I don't know.</p> <p>21 Q And after you interviewed these</p> <p>22 people, to whom did you report the results</p> <p>23 of the interview?</p>	<p style="text-align: right;">19</p> <p>1 A I don't really know.</p> <p>2 Q Do you remember --</p> <p>3 A It would have had to -- it would</p> <p>4 -- I could have met him at -- at my father's</p> <p>5 house at one time in the early '90s, I</p> <p>6 guess. I don't know. I don't remember.</p> <p>7 Q Were you aware that he had been</p> <p>8 convicted of several sex offenses?</p> <p>9 A I knew he was on probation.</p> <p>10 Q And when did you know that?</p> <p>11 A I don't -- I don't know a</p> <p>12 specific time. I mean, I don't -- I don't</p> <p>13 remember any specific time.</p> <p>14 Q Well, you knew -- when you knew</p> <p>15 he was on probation, did you know he was on</p> <p>16 probation for what?</p> <p>17 A I didn't know. And I still to</p> <p>18 this day don't know exactly what he was on</p> <p>19 probation for.</p> <p>20 Q But do you know generally what he</p> <p>21 was on probation for?</p> <p>22 A I knew it had something to do</p> <p>23 with under -- underage.</p>
<p style="text-align: right;">18</p> <p>1 A I don't -- it -- it would have</p> <p>2 had to -- I don't really know. I don't</p> <p>3 remember per se that would -- it -- it could</p> <p>4 have been Melvin. I don't remember. I just</p> <p>5 don't.</p> <p>6 Q Can you think of any other,</p> <p>7 not -- not by name but position, to whom you</p> <p>8 would have reported the results of your</p> <p>9 interview before a label operator would have</p> <p>10 been hired?</p> <p>11 A No, I really don't know. I don't</p> <p>12 -- unless it might have been HR, but I don't</p> <p>13 know. I don't remember.</p> <p>14 Q All right. Now, are you related</p> <p>15 or have you ever been related to Franklin</p> <p>16 Williams?</p> <p>17 A His first wife was --</p> <p>18 Q That's Ronnie?</p> <p>19 A -- was my stepmother's -- my</p> <p>20 stepmother was her grandmother.</p> <p>21 Q And when did you first meet</p> <p>22 Ronnie Williams -- excuse me. Strike that.</p> <p>23 Franklin Williams?</p>	<p style="text-align: right;">20</p> <p>1 Q Underage girls?</p> <p>2 A Yes. But I don't -- I don't</p> <p>3 know.</p> <p>4 Q And -- and sex; right?</p> <p>5 A No, I didn't know that.</p> <p>6 Q You just knew it had something to</p> <p>7 do with underage girls?</p> <p>8 A Yes.</p> <p>9 Q Okay. Did you know he had been</p> <p>10 convicted of forgery?</p> <p>11 A No.</p> <p>12 Q All right. When you say you knew</p> <p>13 he was on probation, how did you know he was</p> <p>14 on probation?</p> <p>15 A Just in talk from -- might have</p> <p>16 been -- heard it when I was at my dad's</p> <p>17 house.</p> <p>18 Q And who is your dad?</p> <p>19 A My dad is deceased but his name</p> <p>20 was Brycie Cassady.</p> <p>21 Q Brycie?</p> <p>22 A Uh-huh.</p> <p>23 Q Now, who was Ronnie's mom or step</p>

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<p style="text-align: right;">21</p> <p>1 mom, mom --</p> <p>2 A Her mom? Imer Jean. I don't</p> <p>3 know what her last name is to be honest with</p> <p>4 you now.</p> <p>5 Q Was it -- was it ever Thompson?</p> <p>6 A Yes. I think that was her maiden</p> <p>7 name.</p> <p>8 Q Did -- did -- did you have any</p> <p>9 interaction with Imer Jean?</p> <p>10 A She was my stepsister but we</p> <p>11 wasn't -- we wasn't a fairly close family,</p> <p>12 to be honest with you.</p> <p>13 Q Okay. Now, if Mr. Williams was</p> <p>14 on probation until sometime in 2001, when do</p> <p>15 you think you learned that he was on</p> <p>16 probation?</p> <p>17 A I really -- I really don't know.</p> <p>18 I really don't know. I can't say. To be</p> <p>19 honest with you, I don't know.</p> <p>20 Q And you don't remember how you</p> <p>21 learned that?</p> <p>22 A No, I do not.</p> <p>23 Q Do you ever remember having any</p>	<p style="text-align: right;">23</p> <p>1 A Because, like I said, I -- I</p> <p>2 wasn't very close to the family. One of</p> <p>3 them may have asked my wife if I would -- he</p> <p>4 -- you know, he could put my name down and I</p> <p>5 probably said yes.</p> <p>6 Q Well, at that time, did you know</p> <p>7 him?</p> <p>8 A Did I know him? I never knew him</p> <p>9 per se like friends knowed him. I just</p> <p>10 knowed of him.</p> <p>11 Q So what -- when he put your name</p> <p>12 down as a reference, what -- what was --</p> <p>13 what was he -- you going to -- what -- how</p> <p>14 he --</p> <p>15 A I was just going to say I knew of</p> <p>16 him. I don't -- I don't -- really didn't</p> <p>17 know his background. I didn't know a whole</p> <p>18 bunch about him. The guy needed a job, from</p> <p>19 what I remember, and I was just going to try</p> <p>20 to help him get a job because he had family.</p> <p>21 Q And what -- what family was that?</p> <p>22 A His wife and I believe they've</p> <p>23 got -- they have two boys, but I'm not for</p>
<p style="text-align: right;">22</p> <p>1 conversations with Linda Thornton about</p> <p>2 Mr. Williams' criminal background?</p> <p>3 A No.</p> <p>4 Q You don't remember having those?</p> <p>5 A No.</p> <p>6 Q Are you saying you didn't have</p> <p>7 them or you don't remember?</p> <p>8 A I didn't have them.</p> <p>9 Q All right. Now, did you -- did</p> <p>10 you tell Mr. Williams that he could put you</p> <p>11 down as a reference when he applied for his</p> <p>12 job at -- at Nut Cracker?</p> <p>13 A Yes.</p> <p>14 Q And what -- how did that come</p> <p>15 about?</p> <p>16 A I just -- well, I didn't -- I</p> <p>17 didn't -- probably -- I probably didn't per</p> <p>18 se tell him. It probably went through my</p> <p>19 wife.</p> <p>20 Q And who is your wife?</p> <p>21 A Susan Cassady.</p> <p>22 Q And what do you mean it went</p> <p>23 through her?</p>	<p style="text-align: right;">24</p> <p>1 sure exactly how many children they did</p> <p>2 have.</p> <p>3 Q So when you told -- and you</p> <p>4 believe it was through your -- your wife</p> <p>5 that they -- that he could put you down as a</p> <p>6 reference. You did not know him; you only</p> <p>7 knew of him?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 Q Is that right?</p> <p>10 A Well, I had -- I'd met him at my</p> <p>11 dad's house --</p> <p>12 Q Okay.</p> <p>13 A -- earlier in the '90s.</p> <p>14 Q All right.</p> <p>15 A But I didn't "know him know him."</p> <p>16 Q And at that time, is that when</p> <p>17 you knew he was on probation?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A I don't -- I really can't -- I</p> <p>20 really don't know when I found out he was on</p> <p>21 probation to be honest with you. I really</p> <p>22 don't remember. But I don't know. I can't</p> <p>23 remember. I mean, I don't know.</p>

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<p style="text-align: right;">25</p> <p>1 Q Okay. Did you ever have any</p> <p>2 conversations with him about him putting you</p> <p>3 down as a reference?</p> <p>4 A No.</p> <p>5 Q All right. Now, Plaintiff's</p> <p>6 Exhibit Number 10, I will show you -- on the</p> <p>7 second page, now, he put down Bruce Cassady,</p> <p>8 supervisor, and he said he had known you</p> <p>9 three and a half years. Now, he said</p> <p>10 yesterday when he put that down he really</p> <p>11 didn't know you for three and a half years,</p> <p>12 he just put that down.</p> <p>13 A That's fair, because I didn't</p> <p>14 really know him.</p> <p>15 Q Okay. When he applied for the</p> <p>16 job, did anybody come to you and ask about</p> <p>17 him?</p> <p>18 A I don't remember. They could</p> <p>19 have. I don't remember.</p> <p>20 Q Well, they could have but you</p> <p>21 don't remember?</p> <p>22 A I don't -- I don't remember. I</p> <p>23 really don't remember.</p>	<p style="text-align: right;">27</p> <p>1 A I don't -- I don't know that I</p> <p>2 did. I don't know that I did or didn't.</p> <p>3 Q Subsequent to Plaintiff's Exhibit</p> <p>4 Number 10, which was in 2000, have you ever</p> <p>5 had anybody list you as a reference?</p> <p>6 A I don't know. I don't remember.</p> <p>7 I really don't.</p> <p>8 Q Now, he says that he became aware</p> <p>9 of the position through you, Bruce Cassady.</p> <p>10 Did you tell him or somebody that -- that</p> <p>11 there was a position open at Flavor House?</p> <p>12 A I didn't -- I didn't tell him. I</p> <p>13 mean, back then we was hiring people left</p> <p>14 and right.</p> <p>15 Q But you didn't tell him?</p> <p>16 A I didn't tell him. No, I didn't</p> <p>17 tell him. He just -- I guess he just knew I</p> <p>18 worked there.</p> <p>19 Q Yeah. But he -- that -- what he</p> <p>20 said was: How did you become aware of the</p> <p>21 position, and he put down there --</p> <p>22 A Well, I didn't tell him.</p> <p>23 Q So if you don't remember whether</p>
<p style="text-align: right;">26</p> <p>1 Q Okay. I was wrong, what I said</p> <p>2 yesterday.</p> <p>3 MS. CROOK: Objection. Ann, I</p> <p>4 don't think it's appropriate to suggest</p> <p>5 that Mr. Cassady is not being truthful.</p> <p>6 MR. ROBERTSON: I didn't suggest</p> <p>7 that.</p> <p>8 MS. SWAIN: I think you did.</p> <p>9 MR. ROBERTSON: Not on the tape.</p> <p>10 Nobody knows what I said yesterday.</p> <p>11 MS. SWAIN: Well, we all do.</p> <p>12 MR. ROBERTSON: Now -- now the</p> <p>13 jury knows.</p> <p>14 MS. SWAIN: Well, and now</p> <p>15 Mr. Cassady is aware because -- and I</p> <p>16 don't think it's appropriate to try to</p> <p>17 suggest that to him.</p> <p>18 BY MR. ROBERTSON:</p> <p>19 Q Did you interview Mr. Williams</p> <p>20 for the job?</p> <p>21 A I don't remember.</p> <p>22 Q Had you ever had -- allowed</p> <p>23 anybody else to list you as a reference?</p>	<p style="text-align: right;">28</p> <p>1 you've ever been listed as a -- as a</p> <p>2 reference, I don't -- I guess -- I don't</p> <p>3 guess you would ever remember if any --</p> <p>4 Flavor House came to you to ask you what you</p> <p>5 -- they -- that you thought of an applicant?</p> <p>6 A I don't remember if they did or</p> <p>7 didn't.</p> <p>8 Q Ever?</p> <p>9 A Ever.</p> <p>10 Q Did you ever tell Linda that you</p> <p>11 told Mr. Williams that he should -- to tell</p> <p>12 the truth about whether he had been</p> <p>13 convicted of a felony or not?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A No.</p> <p>16 (Plaintiff's Exhibit Number</p> <p>17 29 was marked and attached to the</p> <p>18 deposition.)</p> <p>19 BY MR. ROBERTSON:</p> <p>20 Q Plaintiff's Exhibit Number 29,</p> <p>21 what is that, please, sir?</p> <p>22 A Huh?</p> <p>23 MS. SWAIN: Can I see what that</p>

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<p style="text-align: right;">29</p> <p>1 is, please, Ann?</p> <p>2 MR. ROBERTSON: Yeah.</p> <p>3 A Okay. It's a performance review.</p> <p>4 Q Yeah. And -- and do you</p> <p>5 understand or remember under what</p> <p>6 circumstances you made plaintiff's 29?</p> <p>7 A No, I don't remember.</p> <p>8 Q Do you ever remember working with</p> <p>9 Linda Thornton?</p> <p>10 A Yes.</p> <p>11 Q Was she a good label operator?</p> <p>12 A Yes.</p> <p>13 Q Was she -- did she know -- have</p> <p>14 the skills on the label machines?</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A On -- on -- yes. On the label</p> <p>17 machine she ran, she sure did.</p> <p>18 Q Okay. Were you involved in the</p> <p>19 pay for skills determinations on what skill</p> <p>20 level to assign to the label operators?</p> <p>21 A I don't -- I don't remember how</p> <p>22 -- if I was directly with that. No, I don't</p> <p>23 remember.</p>	<p style="text-align: right;">31</p> <p>1 Q Right. And do you -- do you</p> <p>2 recall what kind of label machine Linda was</p> <p>3 operating at the time you did this</p> <p>4 performance review?</p> <p>5 A Krones Canmatic.</p> <p>6 Q I'm sorry?</p> <p>7 A Krones, K-R-O-N-E-S.</p> <p>8 Q Like a disease.</p> <p>9 A Canmatic.</p> <p>10 Q And I guess that's a label</p> <p>11 machine that labels cans?</p> <p>12 A Jars.</p> <p>13 Q Jars. Well, who would have</p> <p>14 thought?</p> <p>15 A Yeah.</p> <p>16 Q All right. So you evaluated her</p> <p>17 on jars. Now, did you ever work with her</p> <p>18 while she was working on a label machine on</p> <p>19 cans?</p> <p>20 A I -- yes.</p> <p>21 Q Do you remember when?</p> <p>22 A I don't remember what year. I</p> <p>23 don't remember when.</p>
<p style="text-align: right;">30</p> <p>1 Q What about indirectly?</p> <p>2 A I -- I could have been. I</p> <p>3 don't -- I don't remember. I mean, my</p> <p>4 whole -- pretty much ever since '88 I</p> <p>5 learned label machines and I dealt with</p> <p>6 them, and that what's I do --</p> <p>7 Q Right.</p> <p>8 A -- except for the ten years I was</p> <p>9 in the parts room.</p> <p>10 Q Right. And -- and I take it that</p> <p>11 you think you would be a good judge of</p> <p>12 somebody's competency level on the label</p> <p>13 machine?</p> <p>14 A They think I am. I don't know if</p> <p>15 I am or not but they think I am.</p> <p>16 Q Would someone be assigned to</p> <p>17 train another person on a label machine if</p> <p>18 they could not adequately -- were not at the</p> <p>19 top skill level?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A We've let people show the basics.</p> <p>22 And a label machine is -- is a -- it's not a</p> <p>23 complicated piece of equipment.</p>	<p style="text-align: right;">32</p> <p>1 Q Did she know how to operate that</p> <p>2 label machine?</p> <p>3 A She was learning to operate.</p> <p>4 Q At that time?</p> <p>5 A Yes.</p> <p>6 Q Is that the line three or some</p> <p>7 other line?</p> <p>8 A Three, four, and five are can</p> <p>9 machines.</p> <p>10 Q But I'm -- I'm asking you which</p> <p>11 one she was working when you worked with</p> <p>12 her?</p> <p>13 A It could have been any of them.</p> <p>14 I mean, I -- I mean, we moved people around.</p> <p>15 I mean, it could have been any of the three.</p> <p>16 Like said, I helped everybody out there. I</p> <p>17 usually worked on every label machine in the</p> <p>18 plant every day.</p> <p>19 Q And do you know what the pay for</p> <p>20 skills criteria were for rating labels one,</p> <p>21 two, three, four?</p> <p>22 A I don't know the specifics of it,</p> <p>23 no, ma'am.</p>



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<p style="text-align: right;">33</p> <p>1 Q Do you know the generalities of</p> <p>2 it?</p> <p>3 A I know to become a top level you</p> <p>4 have to be able to be proficient in both</p> <p>5 types of label machine with limited help</p> <p>6 from me.</p> <p>7 Q Okay. Do you know that it was</p> <p>8 also a requirement that you had trained</p> <p>9 someone else to be a label operator?</p> <p>10 A I didn't know that.</p> <p>11 Q But you were not -- you can't</p> <p>12 remember or -- or you were not -- strike</p> <p>13 that. Do you remember when they started</p> <p>14 having skills for labels assignments?</p> <p>15 MS. SWAIN: Pay for skills?</p> <p>16 Q Pay for skills. Excuse me.</p> <p>17 A I don't remember what year it was</p> <p>18 or --</p> <p>19 Q No. But I mean about when it</p> <p>20 was?</p> <p>21 A I would -- I -- I don't -- I</p> <p>22 don't know. It would -- it would have been</p> <p>23 probably after 2003, I would think, or 2004.</p>	<p style="text-align: right;">35</p> <p>1 level, but they could ask me questions about</p> <p>2 each machines and the operation of each</p> <p>3 machine. But I really don't remember. I</p> <p>4 mean, at this time I was -- I was either in</p> <p>5 the front office doing that other job or in</p> <p>6 the maintenance planner job. I -- I really</p> <p>7 don't remember --</p> <p>8 Q Okay.</p> <p>9 A -- how -- how -- what they asked</p> <p>10 me or when it was or anything like that.</p> <p>11 Q Did they ask you your opinion of</p> <p>12 any particular label operator since you had</p> <p>13 in fact supervised some of them or</p> <p>14 evaluated, if not supervised them?</p> <p>15 A Yeah. I'm pretty sure they</p> <p>16 probably did.</p> <p>17 Q And do you remember who asked</p> <p>18 you?</p> <p>19 A No, no. I can't -- I couldn't</p> <p>20 swear on who it was.</p> <p>21 Q Well, could you give your best --</p> <p>22 do you have any memory but you're just not</p> <p>23 sure; is that why you couldn't swear on it?</p>
<p style="text-align: right;">34</p> <p>1 I'm not for sure.</p> <p>2 Q Okay. And how did you hear about</p> <p>3 the pay for skills?</p> <p>4 A I don't know who I heard it</p> <p>5 specifically from. I just heard it. I</p> <p>6 mean, I don't know.</p> <p>7 Q Well, what did you hear?</p> <p>8 A That they was setting up pay for</p> <p>9 skills for operators.</p> <p>10 Q Okay. Did they -- and did they</p> <p>11 say how they were going to assign the skill</p> <p>12 levels in the beginning?</p> <p>13 A I assume they had to come up with</p> <p>14 skill levels in the beginning and map out a</p> <p>15 plan.</p> <p>16 Q And you -- you don't know that</p> <p>17 you, the label man, was involved in that at</p> <p>18 all?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 Q Strike that. You don't know that</p> <p>21 you were involved at that at all?</p> <p>22 A I don't -- I don't know -- I -- I</p> <p>23 wasn't involved per se of setting up each</p>	<p style="text-align: right;">36</p> <p>1 A I -- I get asked a lot of things</p> <p>2 from a lot of different people every day,</p> <p>3 and I'm not for sure who would have asked me</p> <p>4 or why -- you know, when it was or anything.</p> <p>5 I mean --</p> <p>6 Q Do you recall anyone asking you</p> <p>7 about Linda Thornton's skill levels at or</p> <p>8 about the time they were doing the pay for</p> <p>9 skills?</p> <p>10 A Not specifically, no, I don't. I</p> <p>11 can tell you her skill levels but I don't --</p> <p>12 Q Okay. Tell me.</p> <p>13 A Linda was a good label operator</p> <p>14 on the Krones label machine, and she was</p> <p>15 learning the -- the Burt. They're totally</p> <p>16 two different machines. And she was -- like</p> <p>17 I said, she was a good operator on the</p> <p>18 Krones, but she hadn't learned the full</p> <p>19 range of the Burt machine yet, that I</p> <p>20 remember.</p> <p>21 The machine is not the -- the enemy.</p> <p>22 It's what you put in the machine is the</p> <p>23 enemy, the labels. That's what I tell every</p>



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<p style="text-align: right;">37</p> <p>1 operator out there. It's a fact. They're  2 all different and we have tons of them.  3 Q Okay. Tons of machines or  4 labels?  5 A Tons of labels. We usually keep  6 at least 50 million labels in house at all  7 times, and they're all different.  8 Q In -- other than -- when is this,  9 in 2005? Do you know of any -- she was  10 working what, the jar line then; is that  11 right?  12 MS. SWAIN: I think that's not  13 2005. Oh, it is. Okay. I'm sorry.  14 A It -- it --  15 Q Do you know what level Linda was  16 when she left?  17 A No, I do not.  18 Q Do you know if she was a level  19 four?  20 A Could have been. I don't know.  21 I don't remember. I -- I never her level,  22 to be honest with you.  23 Q Okay.</p>	<p style="text-align: right;">39</p> <p>1 Q And --  2 A And I learn stuff every day.  3 Q Right. You never had to take any  4 pay for skills test?  5 A No. When I started there wasn't  6 but one other guy in the plant that knew how  7 to run it and he went to the maintenance and  8 he taught me how to do it.  9 Q Okay. Was anybody -- any other  10 troubleshooters like yourself?  11 A No. There has been one  12 maintenance guy that knew a little bit about  13 it but he's since retired.  14 Q And who is that?  15 A Tom Beard.  16 Q I think that's all I have.  17 A All right. I appreciate it.  18 THE VIDEOGRAPHER: This concludes  19 the deposition. The time is 10:36:49.  20 DEPOSITION CONCLUDED  21  22  23</p>
<p style="text-align: right;">38</p> <p>1 A I don't -- I don't know the  2 people that's out there now, their levels.  3 It's not -- the levels of them is for money.  4 I just know I have to help them all the time  5 no matter what level they are. They could  6 be a level 20 and I still have to help them.  7 Q And why is that?  8 A Because it's not a perfect  9 science to run the label machine. It's just  10 a -- it's just a machine that constantly has  11 different aspects. The ambient temperature  12 controls it. The label stock controls it.  13 You know, you have different -- you've got  14 paper labels, you've got foil labels. And  15 you've got different kind of aspects of  16 running the machine and it all changes.  17 You've got one bundle of labels, you've got  18 another bundle of labels, they could be  19 completely different. One could be taller,  20 one could be longer. It's just -- it's just  21 all the time something. And if you don't  22 know what you're doing, I mean, you have to  23 have help.</p>	<p style="text-align: right;">40</p> <p>1 CERTIFICATE  2  3 STATE OF ALABAMA:  4 COUNTY OF BUTLER:  5  6 I hereby certify that the above and  7 foregoing deposition was taken down by me in  8 stenotype and the questions and answers  9 thereto were transcribed by means of  10 computer-aided transcription, and that the  11 foregoing represents a true and correct  12 transcript of the testimony given by said  13 witness upon said hearing.  14 I further certify that I am neither of  15 counsel, nor of kin to the parties to the  16 action, nor am I in anywise interested in  17 the result of said cause.  18  19  20 RENNY MCNAUGHTON  21 Certified Court Reporter  22 License Number: ACCR #411  23</p>

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**PLAINTIFF'S  
EXHIBIT**


29

**TO: LINDA THORNTON  
FROM: BRUCE CASSADY  
SUBJECT: JOB PERFORMANCE REVIEW  
DATE: AUGUST 19<sup>TH</sup>, 2005**

I, Bruce Cassidy, was given the opportunity to work with you as your supervisor, from June 20<sup>th</sup> through August 19<sup>th</sup>, primarily to observe and identify areas of concern, regarding poor line efficiencies, line 1 was experiencing on a consistent basis. I was also given the task of seeing what I could do to help improve the production output on line 1. Areas of concern as it was communicated to me were, poor attitudes, non-caring attitudes, poor communication among team members, and the lack of a sense of urgency.

Linda, as it relates to you, I am very pleased with your job performance. Your team effort is to be commended. You have worked well with the other team members. You have displayed a desire and willingness to do everything within your control to achieve the standard output for line 1. Please continue to share the knowledge you possess with other team members. I am very confident you will continue to do your part in achieving an even higher standard of production output. Thanks, for a job well done. I look forward to working with you again in the near future.

  
Linda Thornton

  
Bruce Cassidy

**FREEDOM COURT REPORTING**

1	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER 107cv-712-WKW</p> <p>6 LINDA THORNTON,</p> <p>7</p> <p>8 Plaintiff(s),</p> <p>9 v.</p> <p>10 FLAVOR HOUSE PRODUCTS, INC.,</p> <p>11</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 TOMMY NANCY</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Commissioner:</p> <p>21 Renny D. McNaughton</p> <p>22 June 10, 2008</p> <p>23 Dothan, Alabama</p>	3
2	<p>1 STIPULATION</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of Tommy Nance,</p> <p>5 may be taken before Renny D. McNaughton,</p> <p>6 Court Reporter and Notary Public, State at</p> <p>7 Large, at the offices of Bobbie Crook,</p> <p>8 Dothan, Alabama, on the 10th day of June,</p> <p>9 2008, commencing at approximately 9:00 a.m.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that it shall not be necessary for any</p> <p>12 objections to be made by counsel to any</p> <p>13 questions, except as to form or leading</p> <p>14 question and that counsel for the parties</p> <p>15 may make objections and assign grounds at</p> <p>16 the time of trial or at the time said</p> <p>17 deposition is offered in evidence, or prior</p> <p>18 thereto.</p> <p>19 In accordance with Rule 5(d) of the</p> <p>20 Alabama Rules of Civil Procedure, as</p> <p>21 amended, effective May 15, 1988, I, Renny D.</p> <p>22 McNaughton, am hereby delivering to Ms.</p> <p>23 Robertson the original transcript of the</p>	4

1 oral testimony taken the 10th day of June,

2 2008, along with exhibits.

3 Please be advised that this is the

4 same and not retained by the Court Reporter,

5 nor filed with the Court.

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3 Ms. Robertson 9

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**FREEDOM COURT REPORTING**

<p style="text-align: right;">5</p> <p>1 APPEARANCES</p> <p>2 FOR THE DEFENDANT (S):</p> <p>3 Jennifer F. Swain</p> <p>4 Baker, Donelson, Bearman, Caldwell &amp;</p> <p>5 Berkowitz, PC</p> <p>6 Wachovia Tower, 420 North Twentieth Street,</p> <p>7 Suite 1600</p> <p>8 Birmingham, Alabama 35203-5202</p> <p>9 J. Scott Clark</p> <p>10 Senior Counsel</p> <p>11 Ralcorp Holdings, Inc.</p> <p>12 P.O. Box 618</p> <p>13 St. Louis, Missouri 63188</p> <p>14 FOR THE PLAINTIFF (S):</p> <p>15 Ann C. Robertson</p> <p>16 Wiggins, Childs, Quinn &amp; Pantazis, LLC</p> <p>17 The Kress Building</p> <p>18 301 Nineteenth Street North</p> <p>19 Birmingham, Alabama 35203</p> <p>20 Also Present: Linda Thornton</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">7</p> <p>1 Dothan, Alabama. My name is Joey</p> <p>2 McClain, representing Freedom Court</p> <p>3 Reporting. And would counsel identify</p> <p>4 yourself and state whom you represent.</p> <p>5 MS. ROBERTSON: Ann Robertson. I</p> <p>6 represent the plaintiff, Linda Thornton.</p> <p>7 MS. SWAIN: Jennifer Swain. I</p> <p>8 represent defendant Flavor House</p> <p>9 Products, Inc.</p> <p>10 THE COURT REPORTER: Usual</p> <p>11 stipulations?</p> <p>12 MS. SWAIN: Yeah, that's fine.</p> <p>13 MS. ROBERTSON: Plus our -- our</p> <p>14 agreed-to stipulation about the</p> <p>15 relatives.</p> <p>16 MS. SWAIN: That's fine. Let me</p> <p>17 ask --</p> <p>18 MS. ROBERTSON: Yeah, we'd better</p> <p>19 ask -- I was about to say we'd better</p> <p>20 ask him since he's not a party to these</p> <p>21 proceedings.</p> <p>22 MS. SWAIN: Yeah. You can, if</p> <p>23 you want to, ask for the opportunity to</p>
<p style="text-align: right;">6</p> <p>1 I, Renny D. McNaughton, a Court</p> <p>2 Reporter of Greenville, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify that</p> <p>5 on this date, pursuant to the Alabama Rules</p> <p>6 of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the offices of Bobbie Crook, Dothan,</p> <p>9 Alabama, commencing at approximately 9:00</p> <p>10 a.m. on the 10th day of June, 2008, Tommy</p> <p>11 Nance, witness in the above cause, for oral</p> <p>12 examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 THE VIDEOGRAPHER: This begins</p> <p>16 videotape number 1 in the deposition of</p> <p>17 Tommy Nance in the matter of Linda</p> <p>18 Thornton versus Flavor House Products</p> <p>19 and Franklin D. Williams, Jr., case</p> <p>20 number 107-CV-712-WKW. We are on the</p> <p>21 record at 9:02 a.m. June the 10th, 2008.</p> <p>22 This deposition is taking place at the</p> <p>23 office of Bobbie S. Crook, PC, in</p>	<p style="text-align: right;">8</p> <p>1 read your deposition transcript and make</p> <p>2 any changes you feel are necessary and</p> <p>3 then sign off on it, so that's your</p> <p>4 choice.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MS. ROBERTSON: And -- and, also,</p> <p>7 we have a -- we have a -- the lawyers</p> <p>8 and I have an agreement. Ordinarily, I</p> <p>9 would sit here and ask you about all</p> <p>10 your relatives in the middle district of</p> <p>11 Alabama.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MS. ROBERTSON: Now, you may have</p> <p>14 none or you may have a bunch. But --</p> <p>15 it's a waste of time, but it's necessary</p> <p>16 if we get to the point of having a jury.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MS. ROBERTSON: So what we just</p> <p>19 agreed to is I won't do that here today.</p> <p>20 If we get to the point where we're going</p> <p>21 to court, then you will provide her a</p> <p>22 list of your relatives --</p> <p>23 THE WITNESS: Okay.</p>



**FREEDOM COURT REPORTING**

<p style="text-align: right;">9</p> <p>1 MS. ROBERTSON: -- and their</p> <p>2 spouses and -- and where they live and</p> <p>3 where -- where they work. Okay?</p> <p>4 THE WITNESS: Okay.</p> <p>5 MS. ROBERTSON: And that's not so</p> <p>6 I can go around and knock on the door</p> <p>7 and say, Do you know that man? It's so</p> <p>8 that I can make sure I don't put your</p> <p>9 auntie on the jury. Okay?</p> <p>10 THE WITNESS: I understand.</p> <p>11 MS. SWAIN: Would you like to</p> <p>12 reserve the right to read and sign your</p> <p>13 deposition transcript?</p> <p>14 THE WITNESS: Yes, please.</p> <p>15 MS. ROBERTSON: Is that agreement</p> <p>16 all right with you about the relatives?</p> <p>17 THE WITNESS: Yes.</p> <p>18 THE VIDEOGRAPHER: Excuse me.</p> <p>19 Off the record.</p> <p>20 (Off the record.)</p> <p>21 EXAMINATION</p> <p>22 BY MS. ROBERTSON:</p> <p>23 Q State your name, please, sir.</p>	<p style="text-align: right;">11</p> <p>1 in that facility or place?</p> <p>2 A Human resources manager, training</p> <p>3 and development manager.</p> <p>4 Q And why did you leave there?</p> <p>5 A We closed the plant.</p> <p>6 Q How long did you work there?</p> <p>7 A Two years.</p> <p>8 Q Now, what were your duties there?</p> <p>9 A Start-up of an automotive</p> <p>10 facility, hiring, general HR duties,</p> <p>11 training, development.</p> <p>12 Q Well, what -- what -- what does</p> <p>13 general HR duties entail or did it entail</p> <p>14 for that facility or that --</p> <p>15 A Interviewing new potential</p> <p>16 employees, hiring, training, orientation,</p> <p>17 issuing disciplinary actions, terminations.</p> <p>18 Q Did you do any training?</p> <p>19 A Yes. All new employee</p> <p>20 orientation training, general training for</p> <p>21 supervision. I would have to look at the</p> <p>22 schedule to see what exactly to train,</p> <p>23 specific classes.</p>
<p style="text-align: right;">10</p> <p>1 A Thomas Alan Nance.</p> <p>2 Q And do you live here in the area</p> <p>3 of Dothan?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Where do you live?</p> <p>6 A 107 Sterling Ridge Court.</p> <p>7 Q And how long have you lived</p> <p>8 there?</p> <p>9 A Two and a half years.</p> <p>10 Q Where did you live before that?</p> <p>11 A Before that, I was in Gadsden,</p> <p>12 Alabama.</p> <p>13 Q Doing what?</p> <p>14 A I was unemployed at that time</p> <p>15 doing freelance work, HR work.</p> <p>16 Q How long did you do freelance</p> <p>17 work?</p> <p>18 A Six months, eight months.</p> <p>19 Q Where did you work before that?</p> <p>20 A CF Gomma G-O-M-M-A. CF Gomma --</p> <p>21 Q And then --</p> <p>22 A -- in Jacksonville, Florida.</p> <p>23 Q Okay. And -- and what did you do</p>	<p style="text-align: right;">12</p> <p>1 Q Now, they opened a place and</p> <p>2 closed in two years?</p> <p>3 A Yes, ma'am.</p> <p>4 Q What -- what -- did they make a</p> <p>5 automobile or an automobile part?</p> <p>6 A Made automotive brake lines for</p> <p>7 GM and Chrysler.</p> <p>8 Q Okay. And what caused you to go</p> <p>9 to Jacksonville -- Gadsden, Alabama?</p> <p>10 A That's my hometown. I moved back</p> <p>11 there after the plant closed.</p> <p>12 Q And what did you do when you say</p> <p>13 you freelanced?</p> <p>14 A I worked with a couple of</p> <p>15 companies for safety evaluation, safety</p> <p>16 program evaluations, benefits evaluations.</p> <p>17 Q And how did you get the job at</p> <p>18 Flavor House?</p> <p>19 A Applied through the online ad,</p> <p>20 sent in my application.</p> <p>21 Q And after your -- after you</p> <p>22 applied, what happened?</p> <p>23 A There were several rounds of</p>

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<p style="text-align: right;">13</p> <p>1 interviews. I interviewed. Phone</p> <p>2 interviews and then face-to-face interviews</p> <p>3 in Dothan.</p> <p>4 Q Who did you interview with?</p> <p>5 A Initially, the recruiter out of</p> <p>6 Ralcorp, the phone interview. I forget her</p> <p>7 name.</p> <p>8 Q Okay. And here is what I want to</p> <p>9 ask. Since Flavor House had several</p> <p>10 different owners, we just all call it Flavor</p> <p>11 House.</p> <p>12 A Flavor House. Okay.</p> <p>13 Q Yeah. Okay. And you don't know</p> <p>14 what her position was?</p> <p>15 A Not right off the top of my head.</p> <p>16 She was the person in charge of the primary</p> <p>17 database for candidates and applicants.</p> <p>18 Q And then after you had a phone</p> <p>19 interview with her, you went -- did you say</p> <p>20 you had a face-to-face?</p> <p>21 A If I recall, we went -- after the</p> <p>22 phone interview, there was a face-to-face</p> <p>23 interview in -- in Dothan with the -- with</p>	<p style="text-align: right;">15</p> <p>1 group interviews?</p> <p>2 A Not that I recall. Group</p> <p>3 interviews, no.</p> <p>4 Q Okay. And then after that, what</p> <p>5 happened?</p> <p>6 A I was made a job offer shortly</p> <p>7 after that.</p> <p>8 Q As -- what was -- what -- what</p> <p>9 was your title?</p> <p>10 A Human resources manager.</p> <p>11 Q Did you have a written job</p> <p>12 description?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And what were your duties as the</p> <p>15 HR manager?</p> <p>16 A I'd have to refer to the written</p> <p>17 job description. Just general HR duties,</p> <p>18 hiring, terminations. I don't recall the</p> <p>19 specific duties without seeing that written</p> <p>20 job description.</p> <p>21 Q I don't think I have a job</p> <p>22 description, but I have a -- what's called a</p> <p>23 business and development goals. Maybe I</p>
<p style="text-align: right;">14</p> <p>1 the group, the management group there.</p> <p>2 Q And those -- which -- made up by</p> <p>3 whom?</p> <p>4 A Mary Ann Boyer, Ricky Smothers.</p> <p>5 I don't recall. It was a four or five</p> <p>6 person, six-person interview.</p> <p>7 Q Was --</p> <p>8 A QA manager, logistics manager. I</p> <p>9 forget all the names. Mark Samulotski.</p> <p>10 Q Was Melvin Hutchins one of the</p> <p>11 people?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Do you remember about how many</p> <p>14 people it was?</p> <p>15 A It was a full day of interviews,</p> <p>16 five or six. I don't recall exactly how</p> <p>17 many.</p> <p>18 Q Did you interview face to face</p> <p>19 with each individual or --</p> <p>20 A Yes, ma'am. Face to face</p> <p>21 individually.</p> <p>22 Q All right. Let me finish the</p> <p>23 question because -- or did you have any</p>	<p style="text-align: right;">16</p> <p>1 will give you that also. I don't have but</p> <p>2 one copy.</p> <p>3 MS. SWAIN: Okay. Can I look at</p> <p>4 it before you show it to him?</p> <p>5 MS. ROBERTSON: Huh?</p> <p>6 MS. SWAIN: Can I take a quick</p> <p>7 look at it before you show it to him?</p> <p>8 MS. ROBERTSON: Sure.</p> <p>9 Absolutely.</p> <p>10 MS. SWAIN: I think this is</p> <p>11 part -- excuse me -- part of a document</p> <p>12 as opposed to the entire document.</p> <p>13 MS. ROBERTSON: All right. See</p> <p>14 if I can make it complete. Would that</p> <p>15 help?</p> <p>16 MS. SWAIN: I think this is,</p> <p>17 like, section four and there should be</p> <p>18 --</p> <p>19 MS. ROBERTSON: See if that's</p> <p>20 part of it. We will put it all together</p> <p>21 and staple it.</p> <p>22 MS. SWAIN: This looks like the</p> <p>23 same type of document for another time</p>

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<p style="text-align: right;">17</p> <p>1 period.</p> <p>2 MS. ROBERTSON: Well --</p> <p>3 MS. SWAIN: Oh, okay. So it is</p> <p>4 -- okay.</p> <p>5 MS. ROBERTSON: Because I --</p> <p>6 yeah. What -- that's not using --</p> <p>7 MS. SWAIN: Yeah.</p> <p>8 MS. ROBERTSON: Okay.</p> <p>9 MS. SWAIN: It does -- I does</p> <p>10 note it on this. It says goal setting</p> <p>11 document on it.</p> <p>12 MS. ROBERTSON: Okay.</p> <p>13 (Plaintiff's Exhibit Number</p> <p>14 1 was marked for identification</p> <p>15 and attached to the deposition.)</p> <p>16 BY MS. ROBERTSON:</p> <p>17 Q Plaintiff's Exhibit Number 1, for</p> <p>18 the record, the second page of the document</p> <p>19 has a sticker on it. Will you take a look</p> <p>20 at that, please, sir.</p> <p>21 A Okay.</p> <p>22 Q And see if that helps you with</p> <p>23 your job duties or refreshes your memory</p>	<p style="text-align: right;">19</p> <p>1 the goals here, maintain FTE, full-time</p> <p>2 employee count. Minimize turnover.</p> <p>3 Q Well, let's -- let's start with</p> <p>4 that one. What does that mean?</p> <p>5 A Keep the -- keep the employees</p> <p>6 hired. If there's turnover, then hire back</p> <p>7 employees.</p> <p>8 Q Was there a problem at -- at</p> <p>9 Dothan Flavor House keeping a full</p> <p>10 complement of full-time employees.</p> <p>11 A Not -- not a problem that I know</p> <p>12 of. It was just general turnover. So</p> <p>13 basically when there was turnover, not</p> <p>14 allowing that turnover to -- allowing the</p> <p>15 position to be unmanned for a long period of</p> <p>16 time, making sure they were filled back.</p> <p>17 Q Okay. What else?</p> <p>18 A Training process, general</p> <p>19 training process for hourly and salary</p> <p>20 employees.</p> <p>21 Q What kind of training were you</p> <p>22 responsible for at Flavor House?</p> <p>23 A Salary to -- it was mainly</p>
<p style="text-align: right;">18</p> <p>1 about what your job duties were.</p> <p>2 A These were specific goals set.</p> <p>3 This is not an all encompassing job</p> <p>4 description, no.</p> <p>5 Q Yes, sir. I understand that.</p> <p>6 And I -- and I -- I didn't represent that it</p> <p>7 was.</p> <p>8 A Okay.</p> <p>9 Q It -- but it looks like to me</p> <p>10 that it may suggest at least some of the</p> <p>11 areas that you were responsible for as the</p> <p>12 HR manager at Flavor House; is that correct?</p> <p>13 A That's correct.</p> <p>14 Q And I thought maybe it would help</p> <p>15 you for us to discuss those areas that</p> <p>16 you're responsible for.</p> <p>17 A Okay.</p> <p>18 Q Okay. And does it help you?</p> <p>19 A Yes.</p> <p>20 Q Okay. Can you give me a little</p> <p>21 more specifics now as to what your job</p> <p>22 duties were at Flavor House?</p> <p>23 A Well, let me see. You can go by</p>	<p style="text-align: right;">20</p> <p>1 supervisory training, general supervisory</p> <p>2 skills, employee training. We had safety</p> <p>3 training. It was delegated to a safety</p> <p>4 manager. Again, not having the training</p> <p>5 schedule, I don't know specifically what we</p> <p>6 trained during that period I was there.</p> <p>7 Q Did -- was the training on some</p> <p>8 sort of schedule? In other words, like you</p> <p>9 said, general supervisory skills, was there</p> <p>10 a package or a scheduled kind of training?</p> <p>11 A There were training topics</p> <p>12 scheduled monthly, bimonthly, quarterly,</p> <p>13 yes.</p> <p>14 Q And -- and, like, do you remember</p> <p>15 the topics that were in those --</p> <p>16 A No, I do not.</p> <p>17 Q -- packages? What -- did you</p> <p>18 teach the classes yourself?</p> <p>19 A I don't recall teaching the</p> <p>20 classes myself, no.</p> <p>21 Q Who would teach the classes?</p> <p>22 A Depending on what training it</p> <p>23 was, specialists in that field, whether it</p>

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<p style="text-align: right;">21</p> <p>1 was a supervisor or a safety person --</p> <p>2 Q Well, I'm talking about --</p> <p>3 A And an outside counsel or outside</p> <p>4 person.</p> <p>5 Q I'm sorry. I'm talking about</p> <p>6 specifically the general supervisory skills</p> <p>7 classes. It sounds like --</p> <p>8 A Some of those were taught by</p> <p>9 myself. Some of them were taught by outside</p> <p>10 sources.</p> <p>11 Q All right. And do you remember</p> <p>12 which ones you taught?</p> <p>13 A Not without seeing the schedule,</p> <p>14 no, ma'am.</p> <p>15 Q Did you teach any sexual</p> <p>16 harassment training?</p> <p>17 A I don't recall if I taught it or</p> <p>18 if it was taught by someone else. It would</p> <p>19 be on the sign-in sheets.</p> <p>20 Q Was it taught while you were</p> <p>21 there?</p> <p>22 A I don't recall if it was. It</p> <p>23 would be in the training schedule if it was.</p>	<p style="text-align: right;">23</p> <p>1 would trigger one being offered or -- or --</p> <p>2 or required to take anti-sexual harassment</p> <p>3 training at Flavor House?</p> <p>4 A Sexual harassment training --</p> <p>5 MS. SWAIN: I'm going to object.</p> <p>6 A -- is part of our training</p> <p>7 process.</p> <p>8 Q Okay.</p> <p>9 A There was annual training that</p> <p>10 was listed as annual training.</p> <p>11 Specifically, an incident. If there was an</p> <p>12 instance involved, we may have retrained,</p> <p>13 but it would have been part of our original</p> <p>14 training process.</p> <p>15 Q You said you were there from</p> <p>16 October to October --</p> <p>17 A October to December.</p> <p>18 Q Okay. So if there had been some</p> <p>19 training, it would have been within that</p> <p>20 period of time; right?</p> <p>21 A There should have been annual</p> <p>22 training, yes.</p> <p>23 Q What qualified you to give that</p>
<p style="text-align: right;">22</p> <p>1 Q For what period of time were you</p> <p>2 there?</p> <p>3 A October of '05 until December of</p> <p>4 '06.</p> <p>5 Q And you don't recall whether</p> <p>6 your -- you personally taught a sexual</p> <p>7 harassment or anti-sexual harassment course?</p> <p>8 A Not from memory, no, ma'am.</p> <p>9 There would be a training record there if it</p> <p>10 was taught, yes.</p> <p>11 Q All right. And did you have</p> <p>12 any -- while you were there, did you have</p> <p>13 videos or anything, tools to use for that</p> <p>14 particular kind of training?</p> <p>15 A I -- I don't recall.</p> <p>16 Q You don't recall whether or not</p> <p>17 you had that kind of -- those kind of tools?</p> <p>18 A Not from memory, no, ma'am.</p> <p>19 Q Under what circumstances would</p> <p>20 one receive anti-sexual harassment training</p> <p>21 at Flavor House?</p> <p>22 A An individual or as a group?</p> <p>23 Q I'm talking about at -- what</p>	<p style="text-align: right;">24</p> <p>1 training?</p> <p>2 A My previous experience, my</p> <p>3 previous training. I've had various</p> <p>4 training courses, supervisory training</p> <p>5 courses. Train -- the trainer courses</p> <p>6 throughout my career.</p> <p>7 Q Did you have any such training at</p> <p>8 Flavor House?</p> <p>9 A Specific to sexual harassment</p> <p>10 training?</p> <p>11 Q Yes.</p> <p>12 A Within our supervisory training</p> <p>13 program, I believe there was sexual</p> <p>14 harassment training. Whether I received</p> <p>15 that specifically separate, I don't recall.</p> <p>16 Q Would there be something in your</p> <p>17 personnel file that would indicate whether</p> <p>18 you received it or not?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A I don't recall if our training</p> <p>21 records were kept separately or in our</p> <p>22 files.</p> <p>23 Q Well, when you say your "training</p>



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<p style="text-align: right;">25</p> <p>1 records," would they have been kept by 2 individuals, named? Say Ann Robertson, 3 would she have a training file? 4 A I don't recall how -- there was a 5 record kept. I don't recall how it was -- 6 it was -- 7 Q So -- but what I'm asking you, 8 sir, is if it wasn't put in the personnel 9 file, some documentation that you received 10 the training, correct, would it have been 11 kept in a separate file with that person's 12 name on it? 13 A It could have. 14 MS. SWAIN: Objection. 15 A It could have, yes, ma'am. I do 16 not recall. 17 Q Well, where else would it have 18 been kept if it wasn't kept in the personnel 19 file? How -- how else would it have been 20 kept? 21 MS. SWAIN: Objection. 22 A I don't know. It's a speculation 23 question. I don't know the answer to that.</p>	<p style="text-align: right;">27</p> <p>1 training on each specific topic? 2 MS. SWAIN: Objection. 3 A I -- I don't know how to answer 4 that. Again, relative to what the topics 5 were for that year would have been trained. 6 Q Well, you said there was annual 7 training, and what I'm trying to find out is 8 are you saying that for each year there was 9 repetitive -- the same topics taught? 10 A Not necessarily the same topics. 11 Q That's what I'm asking you. How 12 would you know if a person had received the 13 -- say it was time -- 14 A By the training record. 15 Q Okay. So how would you check the 16 training record if you have no idea where 17 they kept it? 18 MS. SWAIN: Objection. 19 Q Sir? 20 A I don't recall how it was kept. 21 Q Well, do you -- 22 A I would have -- I would have 23 checked training records to see if training</p>
<p style="text-align: right;">26</p> <p>1 Q Well, I mean, you were -- weren't 2 you in charge of -- of keeping records of 3 these training sessions? 4 A There was a record, a sign-in 5 sheet, for each training. Now, how that was 6 filed, I'm not aware. I don't recall if it 7 was filed individually or in a training file 8 or in a personnel file. I don't recall how 9 it was filed, no. 10 Q Well, how did you decide whether 11 a person needed that kind of training? Did 12 you not need to know whether or not they had 13 had it before? 14 MS. SWAIN: Objection. 15 A We had an annual training 16 program. 17 Q A what? 18 A An annual training program that 19 had topics listed. Everyone received 20 training in specific courses throughout the 21 year, the entire plant. 22 Q So you're telling for -- telling 23 me for every year there would have been</p>	<p style="text-align: right;">28</p> <p>1 was needed for an individual or to ensure 2 they had training. 3 Q Uh-huh. 4 A An annual training program, we go 5 by the topics and we teach those topics. 6 Q Okay. And -- and -- but you 7 don't recall how you would check? 8 A I would look at the training 9 sign-in sheets. 10 Q Okay. But you don't recall where 11 they were kept or -- 12 A I don't recall how they were 13 kept, if individual or in a training file. 14 Do not know. 15 Q Is there something that would 16 refresh your memory? 17 A Probably not. 18 Q There's nothing that would 19 refresh your memory? 20 MS. SWAIN: Objection. He's 21 answered that. 22 Q Can you explain to me why you 23 would have no memory of that even if I could</p>



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<p style="text-align: right;">29</p> <p>1 produce, like, say, a personnel file with a 2 training record in it? 3 MS. SWAIN: Objection. 4 A I've had multiple jobs and we 5 store files multiple ways. So as an HR 6 manager, I've had various companies that 7 store files in different ways. I don't 8 recall specifically how Flavor House stores 9 their training records, no. 10 Q No. I'm asking -- and there's 11 nothing that would refresh your memory? 12 A No. 13 Q Okay. What else did you do 14 besides training? 15 A Disciplinary actions. 16 Q Before we go on to disciplinary 17 actions, tell me did you do any training on 18 how to investigate anti -- investigate a 19 sexual or racial or what have you harassment 20 complaint? 21 A I don't recall. 22 Q Anything that would -- would 23 refresh your memory on that?</p>	<p style="text-align: right;">31</p> <p>1 MS. SWAIN: Objection. 2 A I don't understand that question. 3 Q Well, if there was a complaint of 4 sexual harassment that did not come directly 5 to you but came to a supervisor, who would 6 -- would that person decide which people to 7 take the written statements from? 8 MS. SWAIN: Objection. 9 A Anyone could report harassment to 10 a member of management, supervision, myself, 11 or another member of management, whoever 12 they were comfortable reporting it to. And 13 at that point, it would be investigated by 14 that process. 15 Q Yes, sir. That was a good 16 answer, but it wasn't an answer to the 17 question I asked. My question was: If the 18 report came to someone other than you, who 19 decided which statements would be -- or who 20 would get -- be asked to give statements? 21 MS. SWAIN: Objection. 22 A I don't know how to answer that 23 question.</p>
<p style="text-align: right;">30</p> <p>1 A The training topics in our 2 training schedule. If it was there, then it 3 was taught if there's a sign-in sheet. 4 Q Well, did you have a methodology 5 for -- for investigating such a complaint? 6 A Yes. 7 Q Would you tell me what it was? 8 MS. SWAIN: Objection. 9 A I collected the documents from 10 individuals and investigated those 11 documents. 12 Q What do you mean you collected 13 the documents? 14 A Receive written statements from 15 anyone involved, question those individuals 16 about the situation, collect any additional 17 information, interview additional applicants 18 or additional persons that were named in the 19 investigation. 20 Q Okay. When you would collect the 21 documents of -- or the written statements, 22 who would get the -- who would decide who 23 would get the written statements?</p>	<p style="text-align: right;">32</p> <p>1 Q Okay. Well, you said you would 2 collect the documents and that documents 3 would include written statements of the 4 people that was -- that knew something about 5 the complaint; is that right? 6 A Yes. 7 Q Who would decide which people 8 gave the written statements? 9 MS. SWAIN: Objection. 10 A I don't see how anyone could 11 decide who gives a written statement. 12 Q Did you hold up a banner, We've 13 had a sexual harassment complaint; anybody 14 who wants to come give a written statement, 15 please do it? Is that how you got your 16 written statements? 17 A If -- if -- if someone brought a 18 claim of harassment to me -- 19 Q Yeah. 20 A -- I would ask for personnel or 21 individuals involved that I should interview 22 that had relevance to that from the person 23 bringing the accusation.</p>

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<p style="text-align: right;">33</p> <p>1 Q Okay.</p> <p>2 A And from that, we would</p> <p>3 investigate those persons, receive their</p> <p>4 statements if they knew anything of the</p> <p>5 situation. So, again, it's -- we didn't</p> <p>6 broadcast that there had been a sexual</p> <p>7 harassment claim of any sort or any</p> <p>8 harassment claim.</p> <p>9 Q Well, did -- but you told me at</p> <p>10 one point that you would collect the</p> <p>11 documents which would usually include the</p> <p>12 written statements of people that had some</p> <p>13 knowledge of the complaint.</p> <p>14 A Correct, that had been identified</p> <p>15 either by the person bringing the complaint</p> <p>16 or by a supervisor who was aware that the</p> <p>17 person is bringing the complaint.</p> <p>18 Q Okay. So that's what I'm saying.</p> <p>19 So the supervisor would get the statements</p> <p>20 and bring them to you; right?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A That could happen, yes. Not</p> <p>23 necessarily in that order.</p>	<p style="text-align: right;">35</p> <p>1 he kept the records of -- of -- of -- of</p> <p>2 investigating a sexual harassment</p> <p>3 complaint. He said he would take notes</p> <p>4 of the people he interviewed.</p> <p>5 Q Did you ever -- did you ever have</p> <p>6 a sexual harassment complaint?</p> <p>7 A I would have to look at my notes</p> <p>8 to see. I don't recall yes or no.</p> <p>9 Q Okay. Well, let me ask you this.</p> <p>10 Let's assume that this is some kind of</p> <p>11 grievance or some kind of complaint that may</p> <p>12 or may not have been sexual harassment.</p> <p>13 Would it be investigated the same way?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A Any complaint brought forward,</p> <p>16 any statement, was investigated, yes.</p> <p>17 Q Okay. Well, for instance, in the</p> <p>18 case where Linda alleged that Frank Williams</p> <p>19 cursed her and threw a bag of cans, not at</p> <p>20 her but threw it, and was yelling and</p> <p>21 always, you know, acting out, did you</p> <p>22 interview the witnesses involved in that --</p> <p>23 that allegation?</p>
<p style="text-align: right;">34</p> <p>1 Q And then what would you do?</p> <p>2 A We would investigate the</p> <p>3 complaint.</p> <p>4 Q Okay. And how would you</p> <p>5 investigate the complaint?</p> <p>6 A Take the statements and interview</p> <p>7 the individuals.</p> <p>8 Q All right. Did you make notes of</p> <p>9 the interviews of the individuals?</p> <p>10 A Yes.</p> <p>11 Q Where were they -- where are</p> <p>12 they?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A Notes are either kept in a file</p> <p>15 --</p> <p>16 Q I'm not talking about</p> <p>17 hypothetically. I'm talking about in --</p> <p>18 when you were doing it in -- at Flavor</p> <p>19 House.</p> <p>20 MS. SWAIN: Are you talking about</p> <p>21 on a specific occasion?</p> <p>22 MS. ROBERTSON: I'm talking</p> <p>23 about -- no. I'm just talking about how</p>	<p style="text-align: right;">36</p> <p>1 MS. SWAIN: Objection.</p> <p>2 A I would have taken the</p> <p>3 statements -- any statement that I had, I</p> <p>4 would have interviewed the persons</p> <p>5 identified, yes.</p> <p>6 Q Okay. And you would have taken</p> <p>7 notes of those -- those --</p> <p>8 A Yes.</p> <p>9 Q Where are those notes? Where did</p> <p>10 you keep those notes?</p> <p>11 A Those notes were filed in my</p> <p>12 desk.</p> <p>13 Q Okay.</p> <p>14 A Separate file.</p> <p>15 Q A separate file in your desk?</p> <p>16 A Yes, ma'am. Personal notes taken</p> <p>17 during an investigation.</p> <p>18 Q And were they -- how -- how did</p> <p>19 you keep them, like alphabetically according</p> <p>20 to the complaint and alphabetically</p> <p>21 according to the --</p> <p>22 A I don't recall if it was by the</p> <p>23 person or by the date that it occurred in</p>

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<p style="text-align: right;">37</p> <p>1 the -- in the -- it was in a desk drawer.  2 It may have been by the incident name. It  3 might have been by the -- either the  4 person's name or by the date. I believe I  5 kept those chronological by the date of the  6 occurrence.  7 Q And that would be the only  8 institutional memory of, say, a complaint  9 against, let's just say, Joe Blow, would be  10 this -- this number of notes in your desk?  11 MS. SWAIN: Objection.  12 A There would be written  13 documentation of the complaint --  14 Q Yeah, but where would it --  15 A -- in the -- in the personnel  16 file.  17 Q Okay. Well --  18 A Because they had filed a  19 complaint.  20 Q In whose personnel file?  21 A In the individual's.  22 Q So that would be the  23 institutional memory?</p>	<p style="text-align: right;">39</p> <p>1 file.  2 Q Okay. And the only -- the only  3 institutional memory would be in the  4 personnel file of the complainant?  5 MS. SWAIN: Objection.  6 Q Or the -- the person against whom  7 the complaint was made?  8 A Any -- any action taken would be  9 in the personnel file regardless of who was  10 involved in the action, if there was action  11 taken.  12 Q What if there was no action  13 taken?  14 A There's no action taken? The  15 statements would go in the personnel files  16 showing --  17 Q Of whom?  18 A Of whoever the statement was --  19 whoever wrote the statement, the copy would  20 be in the personnel file.  21 Q So let me get this straight.  22 There's a complaint of, say, sexual  23 harassment against Joe Blow in 19 -- I</p>
<p style="text-align: right;">38</p> <p>1 MS. SWAIN: Okay.  2 A I'm not sure an institutional  3 memory, what that means.  4 Q Well, obviously you are no  5 there -- longer there; right?  6 A I'm no longer at Flavor House,  7 no.  8 Q Okay. And -- and so if -- if  9 somebody else complained about Joe Blow, you  10 know, throwing acid in their face, where  11 would be the institutional memory that he  12 had done that before?  13 MS. SWAIN: Objection.  14 Q Because you're not there to  15 remind them, oh, remember he -- like last  16 year he threw acid.  17 A Again, my -- my -- my -- my  18 personal notes on the investigation are not  19 necessarily the outcome of the  20 investigation. It's my notes that I took.  21 The decisions that were made, any  22 disciplinary or nondisciplinary, any actions  23 that were taken, were part of the personnel</p>	<p style="text-align: right;">40</p> <p>1 mean -- excuse me -- 2005. And there's  2 statements taken by Jane Doe, Carol Smo, and  3 others, and there's inconclusive proof that  4 Joe -- Joe Blow did sexual harassment. All  5 right? What would happen would be Jane  6 Doe's statement would go in her personnel  7 file?  8 MS. SWAIN: Objection.  9 A I believe individual statements  10 were put into individual files. There may  11 have been -- the whole incident may have  12 been put into individual files. I don't  13 recall. But they -- the statements would  14 have been in the personnel files, either in  15 the -- in the person initially bringing the  16 complaint, maybe the entire -- all  17 statements there, perhaps. I don't recall.  18 But the individual statements were kept in  19 the individual personnel file.  20 Q And my question is: Then how  21 would one after you left, if somebody  22 complained about Joe Blow in December of  23 '07, know that he had had prior complaints</p>

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<p style="text-align: right;">41</p> <p>1 that -- that -- that could not be proven one 2 way or the other? 3 MS. SWAIN: Objection. 4 A Statements would have been in the 5 personnel files. 6 Q Of whom because you're not 7 sure -- 8 A The person making the statement. 9 Q You're not sure whether they -- 10 they would put it -- why would you put it in 11 the person against whom the allegations had 12 not -- 13 A There would have been a statement 14 from the person that the allegations were 15 made against as well. So, therefore, a copy 16 would have been in their personnel file as 17 well. 18 Q Tell me what the -- what the 19 reason or the purpose for that particular 20 method is. 21 A Because many times you have 22 instances where you have multiple instances 23 over a period of time that lead to a</p>	<p style="text-align: right;">43</p> <p>1 Q No. What I'm talking about is 2 you -- you get a written statement from Joe 3 Blow. You question Joe Blow and not only is 4 his written statement incorrect or 5 inaccurate, it's incomplete. 6 A How do I know a statement is 7 incomplete? It's a statement. 8 Q Well, after you interviewed him, 9 you determined that it was incomplete 10 because he told you some more stuff. That's 11 what I'm saying. Then how do you -- how did 12 you document that? 13 MS. SWAIN: Objection. 14 Q The additional stuff, the 15 misstatements, whatever. 16 A The original statement is a 17 statement. My investigative notes are 18 separate from that initial statement. 19 Q But as I'm saying, suppose you 20 bring the person in and over the course of 21 your interviewing him, it turns out that -- 22 that he has additional information. He has 23 different information that you learned that</p>
<p style="text-align: right;">42</p> <p>1 perpetual problem. Therefore, you want 2 record of that problem as it's happened in 3 the past. One singular instance may not 4 negate action. Multiple instances over a 5 period of time may require action. 6 Q Okay. Be you're not -- you're 7 not sure that that -- that it's -- that the 8 statements are put in each person's file or 9 are you? 10 MS. SWAIN: Objection. 11 A I don't recall. 12 Q Now, tell me, do you know what 13 happened to your -- your notes where you 14 interviewed the people that gave the written 15 statements? 16 A I do not know. 17 Q Can you tell me why those notes 18 were not maintained in -- in whatever 19 fashion everybody else -- all the other 20 stuff was maintained in? 21 A They would have been filed either 22 chronologically or by the person's name in 23 that investigations file.</p>	<p style="text-align: right;">44</p> <p>1 is pertinent to the investigation. Why 2 would you not maintain that also in his 3 personnel file? 4 MS. SWAIN: Objection. 5 A The initial statement was 6 maintained in the file. 7 Q Well, how -- 8 A If they give additional 9 statements, they would be maintained in the 10 file as well. 11 Q Well, how do you -- how did they 12 go -- how did the people that would gather 13 these written statements get the statements? 14 MS. SWAIN: Objection. 15 A I don't know the answer to that. 16 Q I mean, would they sit down with 17 a series of questions and ask them and tell 18 them to put the stuff in there? Would they 19 say there's been an allegation that thus and 20 so was done; tell us what you know about 21 that? 22 A From my recollection, anyone that 23 had a statement to give was given the form</p>



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<p style="text-align: right;">45</p> <p>1 and told to complete that -- to write their 2 statement. There was no questioning in the 3 statement -- statement process. It was 4 collection of the statements. 5 Q Well, I mean, I'm working on the 6 line. You walk up to me and say, We think 7 you have information about something; write 8 a statement. Is that what they would do? 9 MS. SWAIN: Objection. 10 Q I mean, what was done to inform 11 the person about what they should write the 12 statement? 13 MS. SWAIN: Objection. 14 A They weren't told to write a 15 statement unless they offered to write a 16 statement. We never asked for additional 17 statements unless they were identified as 18 someone who would have a statement. If a 19 person bringing a complaint mentioned John, 20 Jane, and Mary, we would go to John, Jane, 21 and Mary and say, Would you write a 22 statement about what you saw? They did not 23 have to write a statement. It was at</p>	<p style="text-align: right;">47</p> <p>1 were asked them -- for them to address? 2 A Other than were you aware that an 3 incident happened? Please write your 4 statement. 5 Q Okay. 6 A They were given no direction of 7 what happened, no. 8 Q All right. Now, in the case -- 9 I'm using the case involving Linda and Frank 10 Williams, that one. It's kind of involved 11 in this case. 12 A The case, the specific incident? 13 Q The one where Frank Williams, you 14 know, supposedly threw the cans and was 15 cursing her and yelling and -- 16 A Okay. 17 Q All right. Did -- do you 18 remember the statement that Frank Williams 19 gave? 20 A Not from memory, no. 21 Q Do you remember if he admitted to 22 doing any of that, the things she said he 23 did.</p>
<p style="text-align: right;">46</p> <p>1 their -- if they wanted to, they could. If 2 they didn't, they didn't. 3 Q That's what I'm getting at. So 4 if -- in the instance where Ms. Thornton 5 complained that he yelled and screamed and 6 cursed and threw cans and generally pitched 7 a fit, and she said, I know X, Y, and Z were 8 in -- in range. I don't know what they saw 9 or what they heard, but they should have 10 heard or seen something. 11 A Uh-huh. 12 Q You would walk up to the person 13 and say, Here's a written form. If you -- 14 did -- Linda said you saw something that 15 Frank Williams did. Would you please write 16 a statement? Is that what -- basically what 17 would happen? 18 MS. SWAIN: Objection. 19 A If someone bringing a complaint 20 mentioned certain people or mentioned names, 21 I would ask those persons to give a 22 statement of what events they saw, yes. 23 Q Okay. And -- but no specifics</p>	<p style="text-align: right;">48</p> <p>1 MS. SWAIN: Are you talking about 2 in his -- whether he admitted it in his 3 statement? 4 MS. ROBERTSON: Yeah. 5 A I don't -- I don't recall. 6 Again, from memory, I don't recall. 7 Q Okay. 8 MS. ROBERTSON: Let's take a 9 break I need to get the documents. 10 THE VIDEOGRAPHER: We are off at 11 9:41. 12 (Whereupon, a short break was taken.) 13 THE VIDEOGRAPHER: This the 14 beginning of tape 2. The time is 15 9:53 a.m. We're back on. 16 (Plaintiff's Exhibit Number 17 2 was marked for identification 18 and attached to the deposition.) 19 BY MS. ROBERTSON: 20 Q Plaintiff's Exhibit Number 2. We 21 were -- I was referring to that statement a 22 few minutes ago before we took a break. 23 Have you ever -- have you seen that?</p>



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<p style="text-align: right;">49</p> <p>1 (Brief pause.)</p> <p>2 A I believe this was Frank's</p> <p>3 statement. Yes. I -- I -- I'm sure I saw</p> <p>4 this at the time of the investigation.</p> <p>5 Q His statement about the incident</p> <p>6 about the continually describing about the</p> <p>7 yelling, the screaming, the cursing, and</p> <p>8 throwing cans?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A The June 14th incident, yes.</p> <p>11 Q Now, tell me where you see that</p> <p>12 he addresses any of those allegations, for</p> <p>13 instance, the cursing at her.</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A This is Frank's statement. I</p> <p>16 don't see him saying he cursed at her in</p> <p>17 this statement, no.</p> <p>18 Q Well, do you see where he</p> <p>19 addresses it at all? Does he deny it?</p> <p>20 A I don't see that he denies</p> <p>21 cursing.</p> <p>22 Q He just doesn't address it;</p> <p>23 right?</p>	<p style="text-align: right;">51</p> <p>1 A I'm sorry. Repeat that question.</p> <p>2 Q I said would you have ask --</p> <p>3 thought the supervisor would have asked him</p> <p>4 to address those allegations, whether he</p> <p>5 agreed with them, denied them, or had some</p> <p>6 explanation for agreeing with them?</p> <p>7 A Are you asking about the</p> <p>8 statement?</p> <p>9 Q Yeah.</p> <p>10 A Would a supervisor have asked</p> <p>11 Frank about the statement? No. This is</p> <p>12 just a statement given. There's no</p> <p>13 questions asked at the statement process.</p> <p>14 Q So -- so he -- he just said,</p> <p>15 Describe the incident involving you and</p> <p>16 Linda Thornton?</p> <p>17 A Correct. Please write a</p> <p>18 statement concerning this incident on this</p> <p>19 date.</p> <p>20 Q Okay.</p> <p>21 A That would have been the gist of</p> <p>22 it.</p> <p>23 Q Now, did you have a conversation</p>
<p style="text-align: right;">50</p> <p>1 A This is his statement of what</p> <p>2 happened at the time.</p> <p>3 Q Is it -- does it appear to be</p> <p>4 true?</p> <p>5 MS. SWAIN: Objection.</p> <p>6 A I don't decide who -- what --</p> <p>7 what's -- what's true on the statements</p> <p>8 until -- it's just a statement. Until the</p> <p>9 investigation is concluded, any --</p> <p>10 Q Well --</p> <p>11 A -- any additional notes that I</p> <p>12 made. And then we determine the outcome of</p> <p>13 the -- of the investigation.</p> <p>14 Q I understand. But if -- if Frank</p> <p>15 -- if Linda Thornton had accused Frank of</p> <p>16 cursing repeatedly at her, yelling,</p> <p>17 hollering and throwing cans, would you have</p> <p>18 expected a person -- the supervisor to at</p> <p>19 least have asked him to address those</p> <p>20 issues?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 Q Whether he agreed with them,</p> <p>23 denied them, what have you?</p>	<p style="text-align: right;">52</p> <p>1 with Frank Williams later about that</p> <p>2 statement?</p> <p>3 A I'm sure I did.</p> <p>4 Q Do you remember having it?</p> <p>5 A Not from memory specifically, no.</p> <p>6 Q What would refresh your memory?</p> <p>7 A Reading over the statement. I</p> <p>8 remember the incident. I don't remember the</p> <p>9 individual conversations I had during the</p> <p>10 investigation, no.</p> <p>11 (Plaintiff's Exhibit Number</p> <p>12 3 was marked for identification</p> <p>13 and attached to the deposition.)</p> <p>14 BY MS. ROBERTSON:</p> <p>15 Q Okay. Let me show you what's</p> <p>16 been marked as Plaintiff's Exhibit Number 3</p> <p>17 and ask you to take a look at this.</p> <p>18 MS. SWAIN: Is this your --</p> <p>19 MS. ROBERTSON: Yeah. And the</p> <p>20 date it was served on the defendant or</p> <p>21 the respondent.</p> <p>22 Q Now, the Flavor House in Dothan</p> <p>23 is at 2700 Horace Shepard Road; right?</p>

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<p style="text-align: right;">53</p> <p>1 A I believe so, yes.</p> <p>2 Q Did you ever see Plaintiff's</p> <p>3 Exhibit Number 3 or were you aware that it</p> <p>4 even existed?</p> <p>5 A I believe we did receive a copy</p> <p>6 of this.</p> <p>7 Q Okay. And what did you do with</p> <p>8 it when you received it?</p> <p>9 MS. SWAIN: Objection.</p> <p>10 A When we receive complaints, I</p> <p>11 forward those on to our corporate counsel.</p> <p>12 Q Anything else that you do?</p> <p>13 A Anything I would have done would</p> <p>14 have been at the direction of the corporate</p> <p>15 counsel.</p> <p>16 Q You do -- there's a piece of</p> <p>17 paper that comes with that thing telling you</p> <p>18 to preserve all the pertinent documents and</p> <p>19 not to spoil them and do away with them; is</p> <p>20 that right?</p> <p>21 A I don't recall what came with</p> <p>22 this. This is just one document.</p> <p>23 Q Look at the charge and -- and see</p>	<p style="text-align: right;">55</p> <p>1 of those notes, anyone other than the HR</p> <p>2 manager. I don't know if anyone else is</p> <p>3 aware of those. If there's any notes that</p> <p>4 would have been pulled out, I -- I don't</p> <p>5 know where they -- where they would have</p> <p>6 been -- they were in the desk at the time I</p> <p>7 was working there, yes.</p> <p>8 Q Was there any investigation done</p> <p>9 of that charge when Flavor House received</p> <p>10 it?</p> <p>11 A I don't recall the specific</p> <p>12 investigation done.</p> <p>13 Q I'm not asking about the</p> <p>14 specifics. I said was any done?</p> <p>15 A I don't recall what action we</p> <p>16 took on this charge. It would have been,</p> <p>17 again, at the direction of the corporate</p> <p>18 counsel.</p> <p>19 Q So you don't remember if there</p> <p>20 was any investigation?</p> <p>21 A I don't recall, no. I don't</p> <p>22 recall yes or no.</p> <p>23 Q Okay. So you don't have any</p>
<p style="text-align: right;">54</p> <p>1 if you don't see where it's discussed at</p> <p>2 length, this incident involving the yelling</p> <p>3 and the cursing and the throwing of cans.</p> <p>4 MS. SWAIN: Objection. Are you</p> <p>5 referring to the June 14th statement by</p> <p>6 Linda in here?</p> <p>7 MS. ROBERTSON: Yeah.</p> <p>8 A I see her statement, yes.</p> <p>9 Q Okay. What -- when you -- when</p> <p>10 you received the charge from -- about Linda</p> <p>11 Thornton did you do to preserve your</p> <p>12 personal notes or the notes that you took in</p> <p>13 your investigation of that incident so that</p> <p>14 it would be preserved for litigation, if</p> <p>15 necessary?</p> <p>16 MS. SWAIN: Objection.</p> <p>17 A All of my investigation notes are</p> <p>18 filed in my desk.</p> <p>19 Q So --</p> <p>20 A That's -- that's the only --</p> <p>21 Q Did you tell anybody about those</p> <p>22 notes in your desk when you received --</p> <p>23 A I don't know if anyone is aware</p>	<p style="text-align: right;">56</p> <p>1 independent knowledge of talking to Frank</p> <p>2 Williams about Plaintiff's Exhibit Number 2?</p> <p>3 A I'm sure I investigated and</p> <p>4 talked with the individuals. I don't recall</p> <p>5 the specific conversation, no.</p> <p>6 Q And would the conversation or</p> <p>7 notes concerning that conversation be</p> <p>8 included in your notes surrounding the</p> <p>9 investigation of Ms. Thornton's allegations?</p> <p>10 A All the notes for the 6/14</p> <p>11 incident would have been included in my</p> <p>12 notes in the desk.</p> <p>13 Q So -- so your notes concerning</p> <p>14 what Mr. Williams did or didn't say when you</p> <p>15 interviewed him would be in those notes?</p> <p>16 A Yes.</p> <p>17 MS. ROBERTSON: Off the record.</p> <p>18 (Whereupon, an</p> <p>19 off-the-record discussion was</p> <p>20 held.)</p> <p>21 BY MS. ROBERTSON:</p> <p>22 Q Well, what -- when you called</p> <p>23 Mr. Williams in to interview him, what would</p>

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<p style="text-align: right;">57</p> <p>1 have been the purpose of having him come in 2 there? 3 A During any investigation, the 4 purpose is to reiterate and bring out 5 anything that's in addition to the 6 statements to help make a decision as to 7 what occurred relative to the statements. 8 Q Do you recall whether you learned 9 anything new from Mr. Williams? 10 A I don't recall from memory, no. 11 Q Well, do you remember that 12 Mr. Williams was written up for cursing 13 Ms. Thornton? 14 MS. SWAIN: Objection. 15 A I believe there's documentation 16 on any write-ups that occurred. 17 Q Do you remember whether he 18 admitted to you that he did curse her? 19 A I don't recall if he admitted 20 that or not from memory, no. I don't recall 21 that. 22 Q Do you remember if he denied -- 23 A I don't recall, no.</p>	<p style="text-align: right;">59</p> <p>1 BY MS. ROBERTSON: 2 Q So it is unfortunate, is it not, 3 that we don't have those notes here today to 4 help you refresh your memory? 5 MS. SWAIN: Objection. 6 A The documentation that we have is 7 what we -- what is presented. 8 Q To get at the truth, it's 9 unfortunate that we do not have those 10 records that you made. 11 MS. SWAIN: Objection. Is there 12 a question for him? 13 Q Well, you were the one who 14 ultimately made the decision, right, as to 15 what to do about it? 16 A Based on the investigation, there 17 was a collaborative decision, more than 18 likely, made between myself and the general 19 manager, a recommendation for this very 20 action if necessary, yes. 21 Q Okay. And she -- are we talking 22 about Mary Ann Boyer? 23 A Yes, ma'am.</p>
<p style="text-align: right;">58</p> <p>1 Q Because if he denied it and you 2 have Ms. Thornton's representation and 3 several other witnesses, then not only did 4 he curse her; he lied, did he not? 5 MS. SWAIN: Objection. 6 A I can't assume that. I don't 7 recall. 8 Q Because you don't have any notes; 9 right? 10 A I had notes. I don't have them 11 now, no. 12 Q And -- and whatever out there is 13 producing all this memory loss from these 14 people and the deponents, you've got -- 15 apparently got a bad case of it; right? 16 MS. SWAIN: Objection. Ann, 17 that's not necessary. 18 A Excuse me? 19 Q I think -- I think -- 20 MS. ROBERTSON: Off the record. 21 (Whereupon, an 22 off-the-record discussion was 23 held.)</p>	<p style="text-align: right;">60</p> <p>1 Q She didn't sit in on any of these 2 interviews, did she? 3 A Not on the investigation process, 4 no. 5 Q Okay. So whatever you learned in 6 the investigation -- investigative process 7 would be the important thing; right? 8 A What I learned in the 9 investigation -- 10 Q In terms of -- 11 A -- process would have determined 12 the outcome of the investigation, yes. 13 Q Mr. Nance, why did you leave 14 Flavor House? 15 A I was asked to leave. 16 Q Did it have anything to do with 17 missing gift cards at or about the 18 Christmastime that were supposed to go to 19 employees but were missing? 20 MS. SWAIN: Objection. 21 A I -- not that I recall. I don't 22 know that. 23 Q You -- you -- you don't recall</p>

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<p style="text-align: right;">61</p> <p>1 whether stealing might have been implied or 2 -- 3 A Stealing was never implied when I 4 left Flavor House, no. 5 Q All right. Was there a problem 6 with missing gift cards? 7 A There were two gift cards that 8 were taken from the front office off of a -- 9 off of gift baskets. Once that was 10 discovered, the baskets were moved into my 11 office from a -- an extra office. 12 Q When did that happen? 13 A I don't recall. 14 Q How long after were you fired? 15 MS. SWAIN: Objection. 16 A I don't recall the date I left 17 employment. First of December. 18 Q Well, what were the gift baskets 19 for or the -- the gift basket? 20 A Originally, the gift baskets were 21 for drawings at the Peanut Festival. When 22 the winners did not pick those gift baskets 23 up, I believe we had two or three or four</p>	<p style="text-align: right;">63</p> <p>1 Q Were you given a severance 2 package? 3 A I believe there was a week or two 4 of severance. I don't recall exactly what 5 it was. 6 Q Were you terminated -- were you 7 involuntarily terminated or did they ask you 8 to resign or -- with the -- with the -- 9 A I was involuntarily terminated. 10 Q You were involuntarily terminated 11 and you were given a severance package? 12 A Yes, ma'am. 13 Q Did you draw unemployment? 14 A Yes, ma'am. 15 Q Was there any investigation 16 concerning these gift cards, these missing 17 gift cards? 18 A I believe we reviewed the tapes 19 of the corridor leading to the office, but 20 there was never any conclusive evidence of 21 who -- who would have taken those because 22 they were in the room for several weeks that 23 they could have been taken. I don't recall</p>
<p style="text-align: right;">62</p> <p>1 left that were given away to the employees 2 because the original persons that won the 3 gift baskets did not pick those up. 4 Q How much were these gift cards 5 that were missing? How much were they for? 6 A I don't recall. 20 or 25 dollars 7 probably would be my guess. 8 Q Well, what was the reason that 9 you were -- that was given when they asked 10 you to leave? 11 A That my management style was 12 not -- did not match with what Flavor House 13 wanted at that time. 14 Q And were you given any more 15 specifics than that? 16 A Specifically, some tasks that 17 were not completed. 18 Q Such as? 19 A Such as the issuance of the new 20 employee handbook. 21 Q All right. What else? 22 A I don't remember specific -- 23 specifically past that.</p>	<p style="text-align: right;">64</p> <p>1 who all was in and out of that vacant office 2 at the time. 3 Q Was -- was that office -- did it 4 have -- was it locked, unlocked? 5 A I don't recall. 6 Q Did you leave an unpaid credit 7 card bill that -- that was a Flavor House 8 credit card? 9 A I believe there was a bill, yes. 10 Q And what was that credit card 11 supposed to be used for? 12 A That was used for company 13 purchases. 14 Q Such as? 15 A Travel, miscellaneous HR 16 expenses. 17 Q And were you supposed to pay it 18 or was Flavor House supposed to pay it? 19 A I was responsible for paying that 20 bill monthly. 21 Q And so -- and why was it unpaid? 22 Did you take the money and use it for 23 something else?</p>



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<p style="text-align: right;">65</p> <p>1 A I don't recall having to pay that</p> <p>2 bill at the end when I left employment.</p> <p>3 Q Well, my question is: What was</p> <p>4 the reason you hadn't paid it at the time?</p> <p>5 A The credit card was current when</p> <p>6 I left. There may have been an outstanding</p> <p>7 balance beyond that.</p> <p>8 Q Were you ever asked to pay it</p> <p>9 back?</p> <p>10 A Pay it back or pay the bill?</p> <p>11 Q Pay the bill.</p> <p>12 A I don't recall being asked to pay</p> <p>13 the -- pay any monies back, no.</p> <p>14 Q Were you asked to pay the bill?</p> <p>15 A I don't recall being asked to pay</p> <p>16 the bill. I don't -- I don't recall.</p> <p>17 Q Was there any discussion about</p> <p>18 there being some irregularities with the --</p> <p>19 the bill?</p> <p>20 A Not to my knowledge, no.</p> <p>21 Q In other words, you're saying not</p> <p>22 with you?</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">67</p> <p>1 Q All right. Do you recall what</p> <p>2 Mr. Williams said about whether or not he</p> <p>3 was throwing cans during the incident that</p> <p>4 Ms. Thornton describes in that exhibit?</p> <p>5 A I don't recall other than Frank's</p> <p>6 statement. From memory, no.</p> <p>7 Q And do you recall whether you</p> <p>8 asked any other witnesses whether or not</p> <p>9 they saw -- could see whether or not he was</p> <p>10 throwing cans?</p> <p>11 A Not from memory. Again, my notes</p> <p>12 had, you know, the investigation of what</p> <p>13 occurred. I don't recall if anyone else</p> <p>14 said there was cans being thrown or there</p> <p>15 was anything going on. I don't recall that,</p> <p>16 no.</p> <p>17 (Plaintiff's Exhibit Number</p> <p>18 5 was marked for identification</p> <p>19 and attached to the deposition.)</p> <p>20 BY MS. ROBERTSON:</p> <p>21 Q Plaintiff's Exhibit Number 5.</p> <p>22 MS. SWAIN: Which one is that?</p> <p>23 Q Do you remember having an</p>
<p style="text-align: right;">66</p> <p>1 A I don't understand.</p> <p>2 Q Didn't have any conversations</p> <p>3 with you about any irregularities?</p> <p>4 A Not to my knowledge, no.</p> <p>5 Q Well, if you had had the</p> <p>6 conversation, you would have knowledge of it</p> <p>7 so I don't understand that answer.</p> <p>8 A I don't ever -- I never recall</p> <p>9 any charges that I made coming into question</p> <p>10 on the company credit card, no.</p> <p>11 (Plaintiff's Exhibit Number</p> <p>12 4 was marked for identification</p> <p>13 and attached to the deposition.)</p> <p>14 BY MS. ROBERTSON:</p> <p>15 Q Plaintiff's Exhibit Number 4, can</p> <p>16 you tell me -- tell me what this is, please,</p> <p>17 sir.</p> <p>18 THE WITNESS: Jennifer, can you</p> <p>19 see that?</p> <p>20 MS. ROBERTSON: I'm sorry.</p> <p>21 MS. SWAIN: Yeah, that's fine.</p> <p>22 A This appears to be Linda's</p> <p>23 statement on the June 14th incident.</p>	<p style="text-align: right;">68</p> <p>1 interview with Katherine Long?</p> <p>2 A I don't recall the interview, no,</p> <p>3 investigation. Not from memory.</p> <p>4 Q Now, in her statement she -- she</p> <p>5 says she heard Frank using the F word and --</p> <p>6 I'm not looking at the document. I think</p> <p>7 she said something about not being able to</p> <p>8 do every damn thing; is that right?</p> <p>9 A That is her statement, yes.</p> <p>10 Q And then it said except he was</p> <p>11 doing a lot of yelling, etcetera, etcetera,</p> <p>12 etcetera. Do -- do you -- did you ask her</p> <p>13 to expound on that etcetera, etcetera,</p> <p>14 etcetera when you had an interview with her?</p> <p>15 A I probably would have. I don't</p> <p>16 recall what that would have been without my</p> <p>17 notes. From memory, I don't recall that.</p> <p>18 (Plaintiff's Exhibit Number</p> <p>19 6 was marked for identification</p> <p>20 and attached to the deposition.)</p> <p>21 BY MS. ROBERTSON:</p> <p>22 Q Plaintiff's Exhibit Number 6,</p> <p>23 this is the Tamekia Cook statement. Do you</p>



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<p style="text-align: right;">69</p> <p>1 remember interviewing Tamekia Cook?</p> <p>2 A Not from memory, no.</p> <p>3 Q Do you think you took notes on</p> <p>4 that?</p> <p>5 A I'm sure I would have, yes.</p> <p>6 Q Well, now, Ms. Cook addresses</p> <p>7 Frank using the F word also and doing a lot</p> <p>8 of yelling. Katherine Jones --</p> <p>9 MS. SWAIN: Long.</p> <p>10 Q -- Long addresses the fact that</p> <p>11 Frank Williams was using the F word and</p> <p>12 cursing and saying he couldn't do every damn</p> <p>13 thing. Of course, Ms. Thornton addresses it</p> <p>14 along with some other things. Do you have</p> <p>15 any -- do you have any memory now as we sit</p> <p>16 here as to why Mr. Williams, when he</p> <p>17 addressed the issue in his statement, didn't</p> <p>18 mention any of that?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 A Again, his statement was his</p> <p>21 statement. No. I don't tell people what</p> <p>22 statements to write.</p> <p>23 Q But after you find out that they</p>	<p style="text-align: right;">71</p> <p>1 for anybody that you interviewed or had any</p> <p>2 information concerning or surrounding the</p> <p>3 incident that -- that's outlined in these</p> <p>4 documents, Plaintiff's 6 and 5 and --</p> <p>5 A Not that I recall.</p> <p>6 Q Well, at -- at the unemployment</p> <p>7 compensation hearing, you testified that my</p> <p>8 client, Linda Thornton, was going to be</p> <p>9 written up for this same -- involving --</p> <p>10 surrounding this incident. Do you remember</p> <p>11 that?</p> <p>12 A I remember the -- the</p> <p>13 unemployment hearing.</p> <p>14 Q Yeah. Does that mean you don't</p> <p>15 remember telling those people under oath</p> <p>16 that she was about to -- that had she</p> <p>17 returned to work, she would have been</p> <p>18 written up for baiting Frank Williams for</p> <p>19 yelling and screaming and cursing and</p> <p>20 throwing cans?</p> <p>21 MS. SWAIN: Objection to the</p> <p>22 characterization of his testimony.</p> <p>23 A If I made a statement that she</p>
<p style="text-align: right;">70</p> <p>1 just either lied or avoided the issue, do</p> <p>2 you -- do you address that also?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A If there were any questions</p> <p>5 raised in another person's statements, I</p> <p>6 would have asked those questions of the</p> <p>7 individuals being questioned, yes.</p> <p>8 Q And when he -- why -- why didn't</p> <p>9 you discipline him for that?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A At the end of the investigation,</p> <p>12 the -- the appropriate disciplinary actions,</p> <p>13 if needed or if warranted, would have been</p> <p>14 taken.</p> <p>15 Q Did you do any -- did you talk to</p> <p>16 anybody else in that investigation other</p> <p>17 than the people I've -- the -- the witnesses</p> <p>18 I've put in front of you?</p> <p>19 A I wouldn't recall from memory who</p> <p>20 I talked with.</p> <p>21 Q Well, would there be a written</p> <p>22 documentation form -- it's not called</p> <p>23 written. It's called documentation form --</p>	<p style="text-align: right;">72</p> <p>1 would have been written up, I don't know</p> <p>2 what it would have been for specifically.</p> <p>3 Q Well, what if you said for</p> <p>4 baiting him, or words to that effect, for --</p> <p>5 that caused him to pitch this fit?</p> <p>6 MS. SWAIN: Objection to the</p> <p>7 characterization.</p> <p>8 A I don't recall using those words.</p> <p>9 Q Well, what words do you recall</p> <p>10 using?</p> <p>11 A From memory, I don't recall any.</p> <p>12 If you have a written document, I would be</p> <p>13 happy to go over my testimony at that time.</p> <p>14 Q Well, maybe there is some, but</p> <p>15 they apparently have disappeared.</p> <p>16 MS. SWAIN: Objection.</p> <p>17 MS. ROBERTSON: Let's take a</p> <p>18 break.</p> <p>19 (Whereupon, a short break was taken.)</p> <p>20 THE VIDEOGRAPHER: Okay. We're</p> <p>21 back on at 10:38 a.m.</p> <p>22 (Plaintiff's Exhibit Number</p> <p>23 7 was marked for identification</p>

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<p style="text-align: right;">73</p> <p>1 and attached to the deposition.)</p> <p>2 BY MS. ROBERTSON:</p> <p>3 Q I'll show you what's been marked</p> <p>4 as Plaintiff's Exhibit Number 7 and</p> <p>5 represent to you it's a transcript of the</p> <p>6 unemployment compensation hearing of Linda</p> <p>7 Thornton. Now, the first page I want to</p> <p>8 direct your attention to is page 51. Now,</p> <p>9 you can read as much of it as you need to</p> <p>10 ahead to get context of it. I will tell you</p> <p>11 it's your describing the investigation of</p> <p>12 the incident we've been -- well, been</p> <p>13 talking about. And -- and -- and you -- on</p> <p>14 page 50 you say, Okay. But the -- in the</p> <p>15 final investigation, Ms. Parrish -- that was</p> <p>16 her maiden name -- make a formal complaint</p> <p>17 against Mr. Williams? Will you read your</p> <p>18 answer and just keep reading until you get</p> <p>19 to that little blue sticker.</p> <p>20 (Brief pause.)</p> <p>21 Q And you understand the Qs are</p> <p>22 what I -- what the compensation lady is</p> <p>23 asking and the As are what you're saying;</p>	<p style="text-align: right;">75</p> <p>1 did make the statement that he was cursing,</p> <p>2 yelling at -- yelling at her, calling her</p> <p>3 MF, GD, MF. Those were her -- that is in</p> <p>4 her statement.</p> <p>5 Q Okay. Did you get any other</p> <p>6 employees to come who came forward that</p> <p>7 witnessed -- come -- the -- Mr. Williams</p> <p>8 making those derogatory comments to</p> <p>9 Ms. Parrish?</p> <p>10 A Yes, ma'am. We had other</p> <p>11 employees involved in the investigation.</p> <p>12 Q Okay. Did they witness -- did</p> <p>13 they hear the -- him calling her names?</p> <p>14 A They heard yelling. They did not</p> <p>15 hear specific cursing occur.</p> <p>16 Q Okay. So the witnesses said they</p> <p>17 did hear yelling, but they did not hear</p> <p>18 specifically that Mr. Williams called</p> <p>19 Ms. Parrish names?</p> <p>20 A Yes, ma'am, that's correct.</p> <p>21 Q All right. Now, where did you --</p> <p>22 where in those statements did you determine</p> <p>23 that? I'm talking about the statements that</p>
<p style="text-align: right;">74</p> <p>1 right?</p> <p>2 A Now, what's the question again?</p> <p>3 That this is --</p> <p>4 MS. SWAIN: I think you're -- I</p> <p>5 think she wanted you to --</p> <p>6 MS. ROBERTSON: Read it.</p> <p>7 MS. SWAIN: -- read --</p> <p>8 THE WITNESS: Read through here?</p> <p>9 MS. SWAIN: What are you asking</p> <p>10 him to read, Ann?</p> <p>11 Q Here. Let's do it this way. I</p> <p>12 will read. Okay. This is on page 50</p> <p>13 starting with line 7. Did she complain that</p> <p>14 he had called her a derogatory name? And</p> <p>15 your answer?</p> <p>16 A My answer: Not -- not at this</p> <p>17 time. Previous altercations -- this is a</p> <p>18 previous altercation.</p> <p>19 Q All right. Number 11. Okay.</p> <p>20 But in the final investigation, did</p> <p>21 Ms. Parrish make a formal complaint against</p> <p>22 Mr. Williams?</p> <p>23 A My answer was: Let's see. She</p>	<p style="text-align: right;">76</p> <p>1 we've been talking about.</p> <p>2 A What is this in reference to?</p> <p>3 What incident is this in reference to?</p> <p>4 There are multiple incidents.</p> <p>5 Q The one we've been talking about</p> <p>6 for the last 30 minutes, the one involved --</p> <p>7 where she said he was screaming and cursing</p> <p>8 and you've got Tamekia Cook saying the label</p> <p>9 3 machine operator -- machine messed up and</p> <p>10 we had bad labels on the work area and we</p> <p>11 cleaned some and when Linda got back,</p> <p>12 some -- some was left on the table and she</p> <p>13 asked Frank what about this mess and Frank</p> <p>14 walked off saying curse words. Exact, I</p> <p>15 don't know. So Linda said something to him.</p> <p>16 He threw up his hands and said --</p> <p>17 MS. SWAIN: Ignore that wording.</p> <p>18 THE WITNESS: Okay.</p> <p>19 Q All right. I'm talking about</p> <p>20 this -- these statements are the ones you're</p> <p>21 referencing. Where does it say that -- that</p> <p>22 she -- that she didn't -- that you had</p> <p>23 nobody saying that he cursed?</p>

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<p style="text-align: right;">77</p> <p>1 A I may have been mistaken on this.</p> <p>2 I don't --</p> <p>3 Q I see.</p> <p>4 A My statement is they heard</p> <p>5 yelling. They did not hear specific cursing</p> <p>6 at her, specifically directed at Linda.</p> <p>7 That is my statement.</p> <p>8 Q What does that mean? They</p> <p>9 told -- he said fuck it and -- I hear --</p> <p>10 A I believe -- I believe the</p> <p>11 cursing in the statements was cursing. It</p> <p>12 did not say that he cursed her specifically.</p> <p>13 Q I hear Frank say the F word and I</p> <p>14 can't do every damn thing. Who do you think</p> <p>15 he was saying when he said I -- I can't do</p> <p>16 every damn thing? Was he talking to the --</p> <p>17 Mr. --</p> <p>18 A I can't -- I can't answer what</p> <p>19 his -- what -- who he was directing that at.</p> <p>20 MS. SWAIN: I'm going to object</p> <p>21 to the question.</p> <p>22 Q He was talking to Linda; right?</p> <p>23 MS. SWAIN: Objection.</p>	<p style="text-align: right;">79</p> <p>1 Q Okay. Well, why did you -- why</p> <p>2 did you assume otherwise? As -- in other</p> <p>3 words, if he's -- if he's yelling at her and</p> <p>4 says I can't do every damn thing, would you</p> <p>5 think he was, as I say it, talking to his</p> <p>6 imaginary grandmother? I mean, who else</p> <p>7 would he have been talking to?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A There are instances when</p> <p>10 employees curse in the plant.</p> <p>11 Q Yeah. But --</p> <p>12 A That has occurred.</p> <p>13 Q But -- but not in -- in that</p> <p>14 context.</p> <p>15 MS. SWAIN: Objection.</p> <p>16 A That's an assumption.</p> <p>17 Q All right. Well, you've got her</p> <p>18 saying he was cursing at her. You've got</p> <p>19 other employees saying that he was</p> <p>20 definitely cursing. And it would have only</p> <p>21 made sense or it -- that he was definitely</p> <p>22 cursing. Where is it that you have that --</p> <p>23 that anybody said that he -- that she -- he</p>
<p style="text-align: right;">78</p> <p>1 A If that's your assumption.</p> <p>2 Q Well, I mean, that's what she</p> <p>3 said; right?</p> <p>4 A That is -- that is her statement.</p> <p>5 Q Did anybody -- and -- and this</p> <p>6 lady said she heard it; right?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A This statement says that they</p> <p>9 heard cursing, yes.</p> <p>10 Q That he -- they -- they heard</p> <p>11 him -- him say I can't do every damn thing.</p> <p>12 A That is their statement, yes,</p> <p>13 ma'am.</p> <p>14 Q And in the -- in the context of</p> <p>15 the conversation with Linda Thornton.</p> <p>16 MS. SWAIN: Objection.</p> <p>17 Q Where in there is there any</p> <p>18 statement that -- that -- that he -- those</p> <p>19 curse words were not directed at Linda</p> <p>20 Thornton?</p> <p>21 MS. SWAIN: Objection.</p> <p>22 A Again, you assume they were</p> <p>23 directed at her. I did not assume that.</p>	<p style="text-align: right;">80</p> <p>1 wasn't cursing at her?</p> <p>2 MS. SWAIN: Objection.</p> <p>3 (Brief pause.)</p> <p>4 MS. SWAIN: Is there a question</p> <p>5 on the table, Ann?</p> <p>6 MS. ROBERTSON: Yeah.</p> <p>7 Q Where is it that -- in the</p> <p>8 investigation that anybody said that those</p> <p>9 curse words were not addressed at her?</p> <p>10 MS. SWAIN: Objection.</p> <p>11 A This is a statement that they</p> <p>12 heard curse words. I -- again, their</p> <p>13 statement states they heard curse words.</p> <p>14 Q Yes, sir.</p> <p>15 A It did not say where -- who they</p> <p>16 were directed towards as --</p> <p>17 Q But Linda said they were directed</p> <p>18 at her; right?</p> <p>19 A That's Linda's statement, yes,</p> <p>20 ma'am.</p> <p>21 Q Okay. So my question is: Linda</p> <p>22 said they were directed at her. Other</p> <p>23 people said they heard him cursing over the</p>

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<p style="text-align: right;">81</p> <p>1 labels and -- and -- and saying things  2 that -- very much in the same context that  3 Linda reported that he said. Where is it in  4 your investigation that -- that anybody said  5 that he didn't direct his curse words at  6 her?  7 MS. SWAIN: Objection.  8 A I don't assume any direction of  9 curse words. I take these statements as  10 given and then make my decisions based off  11 of that.  12 Q So you assumed Linda lied?  13 MS. SWAIN: Objection.  14 A There's no assumption in my  15 investigation.  16 Q Well, you told the -- the -- the  17 lady that there was no -- that he didn't  18 curse at Linda. Linda told you he had  19 cursed at her; right?  20 MS. SWAIN: Objection.  21 A That is Linda's statement, yes.  22 Q Okay. And everybody -- the other  23 witnesses said they heard the curse words;</p>	<p style="text-align: right;">83</p> <p>1 everybody was -- it was just said write down  2 what you saw or heard. Nobody asked them do  3 you believe that the stuff was addressed to  4 Linda, did they?  5 A Again, that's an assumption.  6 Q Well --  7 A They heard cursing. The cursing  8 is the statement here. It is in the  9 statement. They did heard -- they did hear  10 cursing. I mean, if you follow that line of  11 thinking, Frank's statement does not include  12 that he cursed. The outcome of the  13 investigation is that Frank did curse. He  14 was disciplined for cursing.  15 Q Okay.  16 A Therefore, again, following the  17 line of facts, cursing occurred. He was  18 disciplined for cursing. It was not  19 determined in these statements that the  20 cursing was directed towards Linda.  21 Q On what did you base that  22 decision?  23 A On the statements given by the</p>
<p style="text-align: right;">82</p> <p>1 correct? Where in your investigative  2 information is there anybody saying that  3 what -- that his cursing was not directed at  4 Linda?  5 MS. SWAIN: Objection.  6 A These statements are the  7 individual statements.  8 Q So where did you come up with  9 that conclusion since you had no evidence  10 that the cursing was not at Linda?  11 A I can only make a decision or  12 a -- an outcome to an investigation based on  13 the facts that are presented to me.  14 Q Yeah.  15 A The employees did not  16 specifically say in their statements that  17 the cursing was directed toward Linda.  18 Therefore, I cannot assume that the cursing  19 was directed towards Linda.  20 Q Nobody --  21 A I cannot make that assumption.  22 Q And there -- and -- but you do  23 know that these statements were not --</p>	<p style="text-align: right;">84</p> <p>1 employees.  2 Q Linda said -- Linda said that the  3 cursing was directed at her. Did you just  4 completely disbelieve her after you had  5 corroborating evidence that there was indeed  6 cursing?  7 MS. SWAIN: Objection.  8 A These statements do not say that  9 the cursing was directed at Linda.  10 Q No, sir. But I'm saying that her  11 statement was that it was directed at her.  12 A I agree.  13 Q Did you disbelieve her?  14 A I believe that her perception was  15 that it was directed at her in her  16 statement, yes.  17 Q And -- and was there -- was there  18 anybody that had a different perception?  19 MS. SWAIN: Objection.  20 A The other employees did not state  21 the cursing was directed towards Linda.  22 Q They weren't asked, were they?  23 MS. SWAIN: Objection.</p>



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<p style="text-align: right;">85</p> <p>1 A I don't recall one way or the</p> <p>2 other.</p> <p>3 Q Did you interview Linda Thornton</p> <p>4 during the investigation of this incident?</p> <p>5 A I'm sure I did.</p> <p>6 Q When? When did you interview</p> <p>7 her?</p> <p>8 A I don't recall the date.</p> <p>9 Sometime during the course of the</p> <p>10 investigation after the initial complaint</p> <p>11 and before the conclusion.</p> <p>12 Q Did you take one of the -- did</p> <p>13 you take, like, the 13th or 14th off? Were</p> <p>14 you gone that day?</p> <p>15 A Myself?</p> <p>16 Q Uh-huh.</p> <p>17 A I don't recall.</p> <p>18 Q Did you have a child at or about</p> <p>19 this time, not you but you and your wife?</p> <p>20 A My wife did have a child on</p> <p>21 May 16th, yes.</p> <p>22 Q May 16th?</p> <p>23 A Yes.</p>	<p style="text-align: right;">87</p> <p>1 (Witness reviewing document.)</p> <p>2 A Okay.</p> <p>3 Q Do you see where you say that if</p> <p>4 she returned, she would have been</p> <p>5 disciplined also?</p> <p>6 A Yes, ma'am.</p> <p>7 Q What were you going to discipline</p> <p>8 her for?</p> <p>9 A If Linda would have received</p> <p>10 discipline for that action, more than likely</p> <p>11 it would have been for general employee</p> <p>12 conflict.</p> <p>13 Q I see. General employee</p> <p>14 conflict.</p> <p>15 A The same type of conflict as</p> <p>16 documented in previous disciplinary actions,</p> <p>17 an ongoing issue.</p> <p>18 Q So she -- she reports to her</p> <p>19 supervisor that this -- the convicted child</p> <p>20 molester is over there pitching a fit,</p> <p>21 kicking cans -- or excuse me -- throwing</p> <p>22 cans, dog cussing her, and she was going to</p> <p>23 be written up for general conflict?</p>
<p style="text-align: right;">86</p> <p>1 Q Do you think you were off</p> <p>2 during -- on June for something?</p> <p>3 A I don't recall being off during</p> <p>4 this investigation, no.</p> <p>5 Q Did -- now that we've discussed</p> <p>6 it, did -- did Frank Williams specifically</p> <p>7 deny that he -- or first of all, did Frank</p> <p>8 Williams admit that he cursed?</p> <p>9 MS. SWAIN: I'm going to object.</p> <p>10 Asked and answered.</p> <p>11 A I don't recall if Frank admitted</p> <p>12 or not.</p> <p>13 Q Okay.</p> <p>14 A Not from memory. No, I don't</p> <p>15 recall that.</p> <p>16 Q Look at page 54 and start</p> <p>17 reading -- read that right there</p> <p>18 (indicating).</p> <p>19 A Okay.</p> <p>20 MS. SWAIN: Starting with -- here</p> <p>21 at line 18?</p> <p>22 MS. ROBERTSON: Yeah, at or about</p> <p>23 where that sticker is.</p>	<p style="text-align: right;">88</p> <p>1 MS. SWAIN: Objection.</p> <p>2 A Yeah. I'd have -- she did not</p> <p>3 return to work. There was no disciplinary</p> <p>4 action issued.</p> <p>5 Q Well -- but you told the</p> <p>6 unemployment compensation lady that if she</p> <p>7 had come back, she would have been written</p> <p>8 up; right?</p> <p>9 A That is what I said, yes, ma'am.</p> <p>10 Q And so -- and -- and so you were</p> <p>11 -- and on what were you basing that she</p> <p>12 needed to be written up?</p> <p>13 MS. SWAIN: Objection. Asked and</p> <p>14 answered.</p> <p>15 A Again, general -- general</p> <p>16 conflict. You know, an ongoing issue that's</p> <p>17 not resolved.</p> <p>18 Q So let me see -- get this -- see</p> <p>19 if I get this right. If Christ is work --</p> <p>20 walking along and somebody comes up and</p> <p>21 starts dog cussing him and reaches out and</p> <p>22 punches him and this is not the first time</p> <p>23 he has been punched because some people</p>



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<p style="text-align: right;">89</p> <p>1 didn't agree with him, he would have been --</p> <p>2 and he stood there and took it and said, I'm</p> <p>3 sorry, sir. That would -- he would have</p> <p>4 been written up for general conflict, too,</p> <p>5 because he was involved?</p> <p>6 MS. SWAIN: Objection. What are</p> <p>7 you talking about?</p> <p>8 MS. ROBERTSON: I'm talking about</p> <p>9 what would Christ do. He just said</p> <p>10 if -- if she's involved in the conflict</p> <p>11 with an employee that she's going to be</p> <p>12 written up for general conflict. That's</p> <p>13 incredible and I'm just wanting to make</p> <p>14 sure I get it straight.</p> <p>15 MS. SWAIN: Okay. Well, if you</p> <p>16 have a question about the case, ask him.</p> <p>17 We're not going on to what would Christ</p> <p>18 do in a deposition.</p> <p>19 MS. ROBERTSON: Off the record.</p> <p>20 (Whereupon, an</p> <p>21 off-the-record discussion was</p> <p>22 held.)</p> <p>23 Q If somebody is involved in</p>	<p style="text-align: right;">91</p> <p>1 MS. SWAIN: Objection.</p> <p>2 A No, ma'am, I didn't say that.</p> <p>3 Q Well, read what you said, please.</p> <p>4 A I said they were equally involved</p> <p>5 in the altercation.</p> <p>6 Q Okay.</p> <p>7 A They were both involved. They</p> <p>8 were not necessarily both at fault.</p> <p>9 Q But she was going to be written</p> <p>10 up also. Was she getting some lesser -- was</p> <p>11 she going to be written up some lesser way</p> <p>12 than a write-up? I mean, what could be</p> <p>13 lesser?</p> <p>14 A I don't recall Linda ever</p> <p>15 receiving disciplinary action in this</p> <p>16 case --</p> <p>17 Q Well --</p> <p>18 A -- in this specific instance.</p> <p>19 Q What you told the unemployment</p> <p>20 compensation lady was the reason she didn't</p> <p>21 get written up was because she didn't come</p> <p>22 back to work. So you couldn't give her the</p> <p>23 write-up; right? That was the only reason,</p>
<p style="text-align: right;">90</p> <p>1 conflict because their ideas or -- or</p> <p>2 whatever are not welcomed and somebody</p> <p>3 pitches a fit and yells at them and curses,</p> <p>4 stomps on the ground, kicks cans or throws</p> <p>5 cans, because she's involved, she's also</p> <p>6 going to get the same discipline?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 A Any disciplinary actions that</p> <p>9 would have been taken against Linda would</p> <p>10 have been based on the facts. If</p> <p>11 disciplinary had been taken, it would have</p> <p>12 been based on the fact that she was involved</p> <p>13 or instigating the conflict, which is a</p> <p>14 previous disciplinary action showed that</p> <p>15 Linda was involved in a lot of conflict and</p> <p>16 lot of -- lot of instigation of conflict.</p> <p>17 Q So based -- all right. Page 56,</p> <p>18 you -- read starting on line 9.</p> <p>19 (Witness reviewing document.)</p> <p>20 A Okay.</p> <p>21 Q All right. Did -- you -- again,</p> <p>22 you said she was equally at fault in this</p> <p>23 incident; right?</p>	<p style="text-align: right;">92</p> <p>1 at least according to what you told the</p> <p>2 lady, to keep my client from getting her</p> <p>3 pennies.</p> <p>4 MS. SWAIN: Objection. Is there</p> <p>5 a question --</p> <p>6 THE WITNESS: There's a question,</p> <p>7 yeah.</p> <p>8 Q Yeah. Isn't that what you</p> <p>9 told -- the only reason she wasn't written</p> <p>10 up, at least according to you under oath to</p> <p>11 the unemployment compensation lady, was</p> <p>12 because she didn't come back to work; right?</p> <p>13 A What you're saying is the only</p> <p>14 reason she didn't get written up is because</p> <p>15 she didn't come back to work?</p> <p>16 Q Isn't that what you said in your</p> <p>17 testimony, Plaintiff's Exhibit Number 7,</p> <p>18 page 54, line 20? All right. Let's start</p> <p>19 at 18. The lady said, Okay. What were the</p> <p>20 reasons you -- you needed to term -- were --</p> <p>21 was there any reason you needed to terminate</p> <p>22 him? No, ma'am. We disciplined both</p> <p>23 employees equally as well as she would have</p>

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<p style="text-align: right;">93</p> <p>1 received disciplinary action had she 2 returned to work that Monday. 3 So the only reason she didn't return -- 4 that she didn't receive this same discipline 5 was because she didn't come back to work. 6 Isn't that right? 7 A I didn't say they would receive 8 the same discipline. I said they would be 9 disciplined equally. Both of them would 10 have been addressed and the disciplinary -- 11 if warranted, the disciplinary action would 12 have been issued. There -- it -- it could 13 have been as simple as her receiving a 14 counseling or a discussion or a memo to 15 file. Not necessarily the same disciplinary 16 action, no. 17 Q We disciplined both employees 18 equally. 19 A My -- my -- what I mean by 20 discipline them equally is they were both 21 disciplined relevant to the facts equally. 22 One wasn't given harsher discipline and one 23 given less discipline. They were</p>	<p style="text-align: right;">95</p> <p>1 that that's a good thing given that you have 2 no memory. 3 MS. SWAIN: Objection. Ann, 4 that's not necessary. 5 (Plaintiff's Exhibit Number 6 8 was marked for identification 7 and attached to the deposition.) 8 BY MS. ROBERTSON: 9 Q While I'm looking for that, look 10 at Plaintiff's Exhibit Number 8. I will ask 11 you a question about that in a minute. 12 (An off-the-record 13 discussion was held.) 14 Q While she's making a copy, let's 15 look at Plaintiff's Exhibit Number 8. Can 16 you tell me what this is, please? 17 A It appears to be a training 18 documentation for Frank Williams. 19 Q Okay. And do you know what those 20 codes are? 21 A No, ma'am, I don't. 22 Q But if -- if Frank Williams had 23 received any sexual harassment training,</p>
<p style="text-align: right;">94</p> <p>1 disciplined equally based on the facts in 2 the case. In other words, there was no 3 preference given to one or the other. 4 That's what I mean by equally. 5 Q And he received the write-up so 6 she was going to receive a write-up; right? 7 MS. SWAIN: Objection. 8 A I -- I don't recall. I believe 9 he received a -- a write-up for his -- you 10 would have to look at the document. I don't 11 recall. 12 Q For cursing and intimid -- 13 A Okay. 14 Q -- breaking the policy of 15 intimidating, threatening an employee -- 16 another employee. 17 MS. SWAIN: Objection. 18 A I don't recall what the write-up 19 was for. You'd have to show that to me. 20 Q Okay. I should have known that. 21 A I prefer to rely on the facts in 22 the statements versus memory. 23 Q Well, that's -- it's apparent</p>	<p style="text-align: right;">96</p> <p>1 there would be something equivalent to this 2 in his personnel file? It appears now that 3 we know that that's where the -- the 4 documentation is kept. 5 MS. SWAIN: Objection. 6 A I'm not familiar with this 7 training documentation form at all. This 8 was signed in January after I left in 9 December. 10 Q Okay. 11 (Plaintiff's Exhibit Number 12 9 was marked for identification 13 and attached to the deposition.) 14 BY MS. ROBERTSON: 15 Q Plaintiff's 9, what's that? 16 A This appears to be a first step 17 counseling for Frank Williams dated 18 June 16th -- 19 Q All right. 20 A -- for an incident that occurred 21 on 6/14. 22 Q And it says on June 14th, 2006, 23 you used profanity in the presence of other</p>

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<p style="text-align: right;">97</p> <p>1 coworkers. This is a violation of plant 2 rule number 16, fighting, threatening, 3 intimidating, coercing, interfering with 4 fellow associates, or any other acts of 5 violence on company property. 6 Now, does -- now, what was it, now, 7 that you thought that the disciplinary that 8 -- that Linda Thornton was going to receive 9 was going to be for? 10 MS. SWAIN: I'm going to object 11 to asked and answered at least twice 12 now, maybe three times. 13 A You know, I don't recall. It 14 would be general conflict or instigational 15 if -- if she received a write-up. 16 Q Well -- and we have determined, 17 at least under oath you told the lady at the 18 unemployment, that she would have returned 19 one -- a write-up had she returned to work. 20 A No, ma'am, I didn't. I said they 21 would be disciplined equally, as in one 22 would be disciplined equally. 23 Q Well, what other -- what other</p>	<p style="text-align: right;">99</p> <p>1 termination within a certain period of time. 2 It's in the disciplinary policy. 3 Q So apparently at Flavor House if 4 you paced it right, you could intimidate 5 another employee or interfere with an 6 employee's work about twice a year and not 7 ever get fired; right? 8 MS. SWAIN: Objection. 9 Q If you just took your medication 10 sometime -- 11 MS. SWAIN: Objection. 12 A Well, we follow the disciplinary 13 process, the step process, and it's -- it's 14 a written disciplinary process that's 15 followed for all employees throughout the 16 plant. 17 Q But if all -- so if all of them 18 only took their medication some of the time, 19 they could get by with pitching a fit once 20 or twice a year and not have -- get fired; 21 right? 22 MS. SWAIN: Objection. 23 Q I guess you don't have an answer</p>
<p style="text-align: right;">98</p> <p>1 discipline below a write-up -- 2 A There are -- there are counseling 3 sessions. There are discussions, memos to 4 file. 5 Q What effect does a write-up -- a 6 written step one counseling form have? 7 A It's a record of counseling. 8 It's a record of our step process in 9 disciplinary actions. 10 Q What -- is there anything -- does 11 -- would that have rolled off, as they say, 12 after a year? 13 A I don't recall the specific 14 rolling off and on period of the 15 disciplinary steps. I believe there was a 16 one-year period that steps would be reduced 17 for -- as specifically written in the 18 documentation in our policy. 19 Q Well, how many steps do you have 20 to get before you get fired? 21 MS. SWAIN: Objection. 22 A I don't recall if it's step 23 three, step four, or what leads to</p>	<p style="text-align: right;">100</p> <p>1 to that, which brings up another issue. Did 2 Flavor House have a policy against hiring 3 felons? 4 MS. SWAIN: Objection. During 5 his employment there what was their 6 policy in regard to hiring convicted -- 7 MS. ROBERTSON: When he was 8 employed there -- all right. 9 A I don't know of a policy 10 prohibiting the hire of anyone at Flavor 11 House. 12 Q What about lying? Are you asked 13 if you have been convicted of a felony on 14 the application? 15 A I would have to look at an 16 application to see what it asks. I don't 17 recall. Over the course of years at Flavor 18 House and business for 18 years, there have 19 been multiple applications so -- 20 Q Well, let -- let's assume without 21 -- 22 A I don't assume. 23 Q Well, would you please assume for</p>

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<p style="text-align: right;">101</p> <p>1 me and you can take it that there was a 2 policy of asking if a person had been 3 convicted of a felony on the application. 4 Was it -- do you know if it would have been 5 repercussions for not telling the truth 6 about it? 7 MS. SWAIN: Objection. 8 A Again, I can't make a speculation 9 or an assumption. 10 Q Well, you know there was a 11 complaint by my client, do you not, that 12 Frank Williams was a convicted felon? 13 A I don't recall a complaint about 14 someone's felony status or conviction 15 status. 16 Q Or that he was a -- either a sex 17 offender or a child molester? 18 A Again, I don't recall a complaint 19 being filed that someone was a -- a felon or 20 had been convicted of a crime. 21 Q Well, what -- what -- do you 22 recall anything about that? 23 A There were statements taken</p>	<p style="text-align: right;">103</p> <p>1 you -- you can see who brought the statement 2 is basically someone who's making an 3 accusation, that's generally the person 4 that's bringing the statement or bringing 5 the accusation. 6 THE VIDEOGRAPHER: Let me go 7 ahead and change tape real quick. 8 MS. ROBERTSON: All right. let's 9 take a little break. 10 (Whereupon, a short break was taken.) 11 THE VIDEOGRAPHER: Okay. We're 12 back on the record at 11:35. This is 13 the beginning of tape 3. 14 (Plaintiff's Exhibit Number 15 11 was marked and attached to the 16 deposition.) 17 BY MS. ROBERTSON: 18 Q Can you tell me what Plaintiff's 19 Exhibit Number 11 is, please, sir? 20 MS. ROBERTSON: I'm sorry, 21 Jennifer. 22 MS. SWAIN: It's okay. Okay. 23 A This is Linda Thornton's</p>
<p style="text-align: right;">102</p> <p>1 during investigations about discussions 2 within the plant about Frank's status as a 3 convicted sex offender, yes. 4 Q Okay. Do you remember how that 5 -- the -- in the context, how that 6 investigation came up? 7 A I would have to refer back to the 8 statements to find out who initiated that -- 9 that investigation. 10 Q And, sir, how would you figure 11 that out? 12 A You should have the statements. 13 Q Yeah. But I'm asking how -- how 14 can you tell from the statements who 15 initiated the -- the complaint? 16 A It would be who initially brought 17 the statement in. 18 Q Well, what if -- and -- and there 19 was some way to -- to denote that on the -- 20 on the statement? 21 A (No response.) 22 Q Sir? 23 A When you read the statements,</p>	<p style="text-align: right;">104</p> <p>1 statement on 2/16. 2 (Plaintiff's Exhibit Number 3 12 was marked and attached to the 4 deposition.) 5 BY MS. ROBERTSON: 6 Q Okay. Tell me what Plaintiff's 7 Exhibit Number 12 is. 8 MS. ROBERTSON: Sorry, Jennifer. 9 A This is Frank Williams' statement 10 of 2/16. 11 Q All right. Tell me which one of 12 these made a complaint. 13 A I don't recall which one made the 14 first complaint. 15 Q Well, I thought you testified 16 before the break that you could tell me by 17 looking at the documents who initiated the 18 complaint. Now, can -- is that still your 19 statement? 20 MS. SWAIN: Objection. 21 A I believe I said usually you 22 could tell from the documents that you 23 can -- who initiated the complaint.</p>



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<p style="text-align: right;">105</p> <p>1 Q All right.</p> <p>2 A Regardless of who put the</p> <p>3 complaint in first, it's -- it's a statement</p> <p>4 about the situation. This is not a</p> <p>5 complaint, per se. This is a statement of</p> <p>6 the occurrences.</p> <p>7 Q Did you ask Melvin Hutchins to</p> <p>8 give a statement about anything that -- do</p> <p>9 you see where Linda references that she had</p> <p>10 a conversation shortly before with Melvin</p> <p>11 Hutchins about Frank Williams and issues</p> <p>12 with the work with him?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A I'm sure I would have talked with</p> <p>15 Frank -- with Melvin Hutchins. Anyone</p> <p>16 mentioned in the statement I would have</p> <p>17 discussed, you know, what their involvement</p> <p>18 or recollection or what was -- what was</p> <p>19 questioned in the statement. Yes, I would</p> <p>20 have asked that.</p> <p>21 Q Would there be a document form</p> <p>22 from him?</p> <p>23 A There could have been. I don't</p>	<p style="text-align: right;">107</p> <p>1 A I -- I take -- I take notes based</p> <p>2 on investigations, and I make determinations</p> <p>3 based off of those notes.</p> <p>4 Q Because, like, I rely on my -- I</p> <p>5 can remember stuff that we've talked about</p> <p>6 in depositions that I've taken before even</p> <p>7 though I have a court reporter that -- so I</p> <p>8 can rely on what's written down. You know,</p> <p>9 just by nature, I have -- sometimes my mind</p> <p>10 absorbs stuff that actually happens to me.</p> <p>11 A That's correct.</p> <p>12 Q Do you have any independent</p> <p>13 memory of having a conversation with Linda</p> <p>14 Thornton about the issues she's referring to</p> <p>15 that she had discussed with Melvin Hutchins</p> <p>16 about Frank Williams?</p> <p>17 A I recall having multiple</p> <p>18 conversations with Linda Thornton throughout</p> <p>19 the course of my employment with Flavor</p> <p>20 House in regards to multiple issues.</p> <p>21 Q Uh-huh.</p> <p>22 A Now, to tell you specifically</p> <p>23 what memory relates to what issue, I can't</p>
<p style="text-align: right;">106</p> <p>1 recall if there was specifically, no. I</p> <p>2 don't -- I don't recall that.</p> <p>3 Q Do you recall if you followed up</p> <p>4 with Linda Thornton to find out what the</p> <p>5 issues that she had discussed with Melvin</p> <p>6 Hutchins were?</p> <p>7 A During the investigation, I'm</p> <p>8 sure I asked anything relevant to the</p> <p>9 statement.</p> <p>10 Q And do you have any independent</p> <p>11 memory of that?</p> <p>12 A Again, I would have had notes on</p> <p>13 that. I don't recall from memory.</p> <p>14 Q No, sir. I asked you do -- as we</p> <p>15 sit here today, do you have any independent</p> <p>16 memory of having a conversation with Linda</p> <p>17 Thornton about what the issues she's</p> <p>18 referring to about -- that she had with</p> <p>19 Melvin Hutchins about Frank Williams?</p> <p>20 A I don't rely on memory of</p> <p>21 specific investigations, no.</p> <p>22 Q Well, whether you rely -- you</p> <p>23 know -- whether you --</p>	<p style="text-align: right;">108</p> <p>1 rely on my memory for that, no. That's why</p> <p>2 I have notes.</p> <p>3 Q Okay. And where are those notes,</p> <p>4 sir?</p> <p>5 A Again, I've already answered that</p> <p>6 question. My notes were in my desk drawer</p> <p>7 when I left Flavor House.</p> <p>8 Q Did you maintain a copy of those</p> <p>9 notes for yourself when you left?</p> <p>10 A No, ma'am, I did not.</p> <p>11 Q Did you -- did you turn them over</p> <p>12 to Mary Ann or anybody else when you left?</p> <p>13 A No, I did not.</p> <p>14 Q Had you turned them over to</p> <p>15 anyone else who might have been</p> <p>16 investigating the -- the allegations that</p> <p>17 Ms. Thornton had made in her EEOC charge?</p> <p>18 A I did not turn over notes unless</p> <p>19 requested by corporate counsel. Any</p> <p>20 documentation we had was sent to them.</p> <p>21 Q I don't want to know whether or</p> <p>22 not -- you know, the conversations you may</p> <p>23 or may not have had with corporate counsel.</p>



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<p style="text-align: right;">109</p> <p>1 Did anybody ask you to turn over those notes 2 during the course of an investigation 3 involving my client's EEOC charge? Well, 4 strike that.</p> <p>5 Did you turn over any notes that you 6 referred to concerning this investigation 7 that we're talking about now or the one 8 where Ms. Thornton said that Frank was 9 yelling and pitching a fit? Did you turn 10 those over during the time that -- 11 immediately after the EEOC charge came in 12 from Ms. Thornton?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A Any request for documentation 15 would have been honored.</p> <p>16 Q Okay. Do you recall any -- do 17 you recall turning over any documents to 18 anybody, whether it was corporate counsel or 19 Donald Duck?</p> <p>20 A Again, I don't recall 21 specifically what documents were turned over 22 in what case on what dates two years ago. 23 No, I don't.</p>	<p style="text-align: right;">111</p> <p>1 years ago. Until I complete an 2 investigation, I don't know what that is.</p> <p>3 Q Well, other than that he was a 4 child molester or that his brother's wife's 5 daughter was his girlfriend, what else would 6 he have been saying was none of her 7 business?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A Any personal business is not 10 another employee's personal business.</p> <p>11 Q You think being a child molester 12 is somebody's -- other -- is -- is their 13 personal business?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A It's a matter of public record.</p> <p>16 Q Yes. It would be -- at least the 17 State of Alabama takes the position that 18 it's the public's business to -- to know 19 convicted sex offenders; right?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A It is a public knowledge, yes.</p> <p>22 Q And I -- other -- other than the 23 public -- the State of Alabama makes it a</p>
<p style="text-align: right;">110</p> <p>1 Q Now, on Plaintiff's Exhibit 2 Number 12, since you can't remember who 3 initiated this conversation concerning 4 Mr. Williams and his felonious past, 5 Plaintiff's 12, it says Jewel -- this is 6 Mr. Williams' statement; correct?</p> <p>7 A It appears to be, yes.</p> <p>8 Q Jewel Sidely came up to me in the 9 hallway and told me that Linda Thornton was 10 outside telling everyone that I was a child 11 molester and my brother's wife's daughter 12 was my girlfriend. I haven't done a family 13 tree, but that's intriguing. This is 14 harassment and I don't like it. I don't 15 start trouble. What happened 15 years ago 16 is none of her business.</p> <p>17 Do you take that as a confession that 18 he is a child molester; he just doesn't like 19 it that my client was talking about it?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I don't take this as a admittance 22 of anything. It's a statement that there 23 was evidently something that occurred 15</p>	<p style="text-align: right;">112</p> <p>1 law that it be public knowledge, it would be 2 those mommas and daddies of those babies he 3 was molesting, wouldn't it?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A The discussion of a person's 6 business is not proper workplace discussion. 7 It had no -- no bearing on working at Flavor 8 House, a person's past, a person's personal 9 convictions or anything else. And another 10 employee discussing those openly is a 11 violation of that person's ability to work 12 in a harassment free environment.</p> <p>13 Q When you -- did you talk to 14 Mr. Williams about whether or not he had in 15 fact been convicted of child molestation?</p> <p>16 A I would have asked Mr. Williams 17 in an investigation anything relevant to 18 this statement, yes.</p> <p>19 Q All right. And do you remember 20 what he told you, whether in fact -- whether 21 or not he had been convicted of child 22 molestation?</p> <p>23 A I recall there was a discussion</p>

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<p style="text-align: right;">113</p> <p>1 about his past conviction.</p> <p>2 Q Okay.</p> <p>3 A Specifically what it was, I do</p> <p>4 not recall other than it was involved in a</p> <p>5 -- in a either child molestation or some --</p> <p>6 some type of sex-related offense.</p> <p>7 Q Did he -- did he admit that he</p> <p>8 had been involved with that?</p> <p>9 A He did say there was a past</p> <p>10 conviction, yes.</p> <p>11 Q A conviction?</p> <p>12 A I don't recall specifically what</p> <p>13 the conviction was, no.</p> <p>14 Q Did he tell you he had been</p> <p>15 convicted of forgery and was on probation</p> <p>16 when he was -- pled guilty to multiple</p> <p>17 charges of child molestation?</p> <p>18 MS. SWAIN: Objection.</p> <p>19 MS. ROBERTSON: Look at the</p> <p>20 probation record. Yeah. He was on</p> <p>21 probation.</p> <p>22 A I don't recall that coming up</p> <p>23 specifically, no.</p>	<p style="text-align: right;">115</p> <p>1 you told him to go on his merry way?</p> <p>2 MS. SWAIN: Objection. He's</p> <p>3 already answered the question.</p> <p>4 A Again, if -- if there was</p> <p>5 anything additional to add, it would have</p> <p>6 been in my notes that I took.</p> <p>7 Q That's no longer -- nobody knows</p> <p>8 where they are. They -- somebody --</p> <p>9 everybody has forgotten where they were;</p> <p>10 right?</p> <p>11 MS. SWAIN: Objection.</p> <p>12 Q And that dust strikes again. Did</p> <p>13 you ask Frank if he had ever told anybody at</p> <p>14 the workplace that he had been in prison?</p> <p>15 A I don't recall asking Frank</p> <p>16 specifically if he had been in prison --</p> <p>17 Q No, I didn't ask you that.</p> <p>18 A -- or if he had told someone he</p> <p>19 had been in prison. I don't remember the</p> <p>20 exact conversation we had, again, two years</p> <p>21 ago.</p> <p>22 Q Did you ask him if he had ever</p> <p>23 told anybody at the workplace that he had</p>
<p style="text-align: right;">114</p> <p>1 Q Did he tell you that he had spent</p> <p>2 four years of a ten-year sentence in a</p> <p>3 prison, Kilby I think?</p> <p>4 A Again, I don't recall</p> <p>5 specifically what the conversation was is</p> <p>6 why I took notes.</p> <p>7 Q Did you ask him about that?</p> <p>8 A I would have asked anything</p> <p>9 relevant to the statement that was given.</p> <p>10 Q Did he tell you that he was on</p> <p>11 probation for those convictions of having --</p> <p>12 of sodomizing a 10-year-old child --</p> <p>13 A I don't recall.</p> <p>14 Q -- and having sexual intercourse</p> <p>15 with a 13-year-old child and a 14-year-old</p> <p>16 child and a 15-year-old child? Did he tell</p> <p>17 you that he was on probation when he got the</p> <p>18 job with Flavor House for those -- that --</p> <p>19 those convictions?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I don't recall the issue of</p> <p>22 probation coming up.</p> <p>23 Q Well, what did he tell you that</p>	<p style="text-align: right;">116</p> <p>1 been convicted as a sex offender or a child</p> <p>2 molester?</p> <p>3 A I recall during the conversations</p> <p>4 that I had with the individuals involved</p> <p>5 here that some of the discussion was</p> <p>6 involving who has said what Frank had told</p> <p>7 individuals, what Linda had told</p> <p>8 individuals. I don't recall who said</p> <p>9 specifically I was in prison, I wasn't in</p> <p>10 prison. I don't recall specifically who</p> <p>11 said those, no.</p> <p>12 Q Well, would it be important to --</p> <p>13 to you to know if in fact Frank had been</p> <p>14 telling people that he had been in prison</p> <p>15 before and that Frank had told people he had</p> <p>16 been convicted for child molestation?</p> <p>17 A What was the question?</p> <p>18 Q Would it have been important in</p> <p>19 conducting this investigation for you to</p> <p>20 know whether or not Frank had been telling</p> <p>21 people the very same things he said she was</p> <p>22 telling people?</p> <p>23 A It would have probably been</p>

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<p style="text-align: right;">117</p> <p>1 relevant as in if he's discussing it, it's 2 open knowledge, yes. 3 Q Do you know that Frank Williams 4 was still telling people he had been in 5 prison after Linda Thornton was no longer 6 working there? 7 MS. SWAIN: Objection. 8 A I don't know what individual 9 conversations Frank would have had with 10 other employees. 11 Q Do you think it would have been 12 appropriate for him to tell people that but 13 inappropriate for Linda to be -- tell people 14 that? 15 MS. SWAIN: Objection. 16 A It's inappropriate for an 17 employee to discuss other employees' past, 18 present, future if it's a derogatory nature. 19 Q What if they were discussing it 20 in the context about the way they were being 21 treated as a female? 22 MS. SWAIN: Objection. 23 A I don't see the relevance of that</p>	<p style="text-align: right;">119</p> <p>1 MS. SWAIN: Objection. 2 A That could be a multitude of 3 things. 4 Q Well, are you -- are you 5 understanding or are you familiar with the 6 concept of the totality of the 7 circumstances? 8 A Yes. 9 Q That you don't pars the ax, that 10 you don't pars the circumstances, that you 11 take everything as a whole? 12 A Yes, I do. 13 MS. SWAIN: Objection. 14 Q Then why would you have just 15 testified that you take each incident 16 individually? 17 MS. SWAIN: He's not talk -- you 18 didn't ask him that. When he said that, 19 he wasn't responding to a question about 20 a sexually hostile work environment. 21 MS. ROBERTSON: I had asked -- 22 MS. SWAIN: You had asked him 23 about child molestation.</p>
<p style="text-align: right;">118</p> <p>1 question. I don't see how that -- redefine 2 your question. Maybe I can answer it 3 better. 4 Q Do you understand that child 5 molestation is a -- of the opposite sex is, 6 among other things, a -- a sign of complete 7 disrespect for the other sex? 8 MS. SWAIN: Objection. 9 A I believe that's your opinion. 10 Q You don't think -- you don't 11 think that's correct? 12 MS. SWAIN: Objection. 13 A I said I believe that's your 14 opinion. 15 Q No. I'm asking you do you think 16 that. Do you have an opinion? 17 A I believe that each individual 18 occurrence has to be looked at individually 19 based on the circumstances of that case, a 20 determination made as to why that occurred. 21 Q Well, sir, tell me, your -- then, 22 your definition of a sexually hostile 23 environment.</p>	<p style="text-align: right;">120</p> <p>1 THE WITNESS: Yes. 2 Q I had asked you about if -- if 3 she had been talking about him being a child 4 molester in the context of what was 5 happening to her and her belief that he -- I 6 didn't say this, but her belief that he had 7 total disrespect for women, why would you 8 take that out of the context of the other 9 kinds of -- of behavior? 10 A That wasn't the question you 11 asked. 12 MS. SWAIN: No. 13 Q All right. Well, tell me -- now 14 that I've rephrased it, tell me why would 15 you not have taken that? 16 MS. SWAIN: No, wait, wait. What 17 is the question? Ask it again. 18 A Ask the question, please. 19 Q The question is: Did you not 20 think it was important to find out what 21 context that Linda Thornton was saying that 22 Frank Williams had been a child molester and 23 to find out if she was talking about it in</p>

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<p style="text-align: right;">121</p> <p>1 the context of the way she was being treated 2 by Frank Williams? 3 MS. SWAIN: Objection. 4 A This investigation involved 5 statements being made, assumed statements 6 being made by Linda, that she was stating 7 that she had been telling people private 8 business, personal business, of Frank's, 9 whether it's public or private. That was 10 what this investigation initiated as, as an 11 investigation based on statements that she 12 was stating that -- private information or 13 personal information. 14 Q No. Because you don't know who 15 initiated it. She -- she -- she says that 16 she was -- that he was going around telling 17 people that -- that she came up -- that 18 people were being told by her that he was a 19 child molester and she said that was in the 20 context of after the discussion she had had 21 with Melvin Hutchins about the way Frank -- 22 her -- Frank Williams and his conduct on 23 line 3. Right?</p>	<p style="text-align: right;">123</p> <p>1 you know that she told Melvin Hutchins she 2 was concerned about the way he was treating 3 her because he was a child molester? 4 MS. SWAIN: Objection. 5 A I can't speak to what discussion 6 she had Melvin Hutchins. You'd have to ask 7 Melvin that. 8 Q Because you didn't ask Melvin 9 Hutchins and you didn't ask her; right? 10 MS. SWAIN: Objection. 11 Q Sir? 12 A Again, what's the question? 13 Q Did you ask her what discussions 14 she was referring to in Plaintiff's 11 when 15 she says, Immediately I met with Melvin 16 Hutchins and Chris Jordan with -- about this 17 matter. This is after a previous meeting 18 with Melvin Hutchins on the topic of many 19 concerns with Frank and line three work 20 situation. Did you ask her what she was 21 talking about? 22 A At the time of the investigation, 23 I probably did. Do I recall that --</p>
<p style="text-align: right;">122</p> <p>1 MS. SWAIN: Objection. 2 Q But you don't know what those 3 discussions were -- 4 MS. SWAIN: Objection. 5 Q -- that she had had with Melvin 6 Hutchins. Do you know that -- 7 MS. SWAIN: Objection. There's 8 no evidence of any discussions. 9 MS. ROBERTSON: Of course there 10 are. 11 A Again, I don't -- I don't 12 understand. That's -- I mean, her statement 13 said there were discussions. 14 Q All right. And did -- and did 15 you know that the discussions were that he 16 was upset because he was having marital 17 problems and he was talking dirty about what 18 was going on with his wife and that he 19 wasn't attending to his work because of -- 20 of his marital problems and that she did not 21 like it and she wanted it to stop? And the 22 next thing you know he's going around saying 23 that she's saying he's a child molester. Do</p>	<p style="text-align: right;">124</p> <p>1 Q But you don't have your notes -- 2 A Do I recall that, no. 3 Q -- and you don't recall it. 4 A You have to realize, Linda had 5 multiple meetings with multiple people all 6 the time. 7 Q And -- 8 A This was not a new occurrence for 9 Linda. 10 Q And she would get in trouble 11 every time she -- 12 A No, she wouldn't. 13 Q Well, did she -- 14 A We would investigate any 15 allegations that she brought forward and 16 then the correct -- correcting disciplinary 17 actions, if necessary or if warranted, would 18 be taken. 19 Q Who got in trouble about this 20 child molesting business? 21 MS. SWAIN: Objection. 22 Q Didn't you ultimately write her 23 up about it?</p>



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<p style="text-align: right;">125</p> <p>1 A You mean about the discussion of 2 the employee's private -- 3 Q The child molestation. 4 A -- or personal business? 5 Q Since when is a convicted -- a 6 felony -- 7 A I said personal business. I 8 corrected myself. 9 Q A felony conviction is his 10 personal business? 11 A It is personal to him, yes. 12 (Plaintiff's Exhibit Number 13 10 was marked for identification 14 and attached to the deposition.) 15 BY MS. ROBERTSON: 16 Q Plaintiff's Exhibit Number 10, 17 look at that. What is that, please, sir? 18 A This appears to be an employment 19 application for Frank Williams. 20 Q What in the world is Flavor House 21 asking Frank Williams about his personal 22 business when they ask him has he ever been 23 convicted of a felon?</p>	<p style="text-align: right;">127</p> <p>1 cause disruption-wise? Investigations and 2 pulling employees off of lines to do 3 investigations, to discuss allegations. So 4 it does cause a lot of disruption. How you 5 quantify that? Specifically, lost 6 productivity. 7 Q Anything else? 8 A Again, how do you want it 9 quantified? 10 Q Did you happen to check Frank 11 Williams' -- I mean his application, 12 Plaintiff's Exhibit Number 10, when this 13 issue about whether he was a child molester 14 came up? 15 A I would have probably pulled his 16 personnel file in any investigation that I 17 did -- 18 Q Okay. 19 A -- with any employee. 20 Q And what -- did -- what did you 21 read there? 22 A Relative to? 23 Q To whether or not he was a</p>
<p style="text-align: right;">126</p> <p>1 MS. SWAIN: Objection. 2 A That's public information -- 3 public conviction -- public conviction 4 record. 5 Q That's what Linda Thornton was 6 talking about. How is it not personal when 7 she's -- wait -- personal when she's talking 8 about it and not personal when Flavor House 9 is asking him about it? 10 A It's disruptive to the 11 environment to discuss personal issues in 12 the environment, in -- in the workplace. 13 There's an issue of disruption that it 14 causes to the work force. It's not an issue 15 of public knowledge. It's an issue that it 16 is public knowledge as it is. It's public. 17 But her discussing that is his personal 18 business and it's causing disruption within 19 the work force. 20 Q What kind of disruption was it 21 causing? 22 A It can cause loss of 23 productivity. Specifically what did it</p>	<p style="text-align: right;">128</p> <p>1 convicted felon. 2 A He checked yes. 3 Q Okay. And -- and what did he say 4 he had been convicted of? 5 A On this application he stated 6 statutory rape. 7 Q And you understand -- and then 8 what did he say? 9 A His statement here is my 10 girlfriend was two years younger than me 11 when -- 12 Q When I was 18. 13 A -- I was 18. 14 Q Did you do a background check at 15 the time to see if he told you the truth 16 about that? 17 MS. SWAIN: Objection. 18 Q Because over here on 19 Plaintiff's -- Plaintiff's 10, see the 20 back -- see the bottom there? It says 21 you -- they're going to do a background 22 check. 23 A I'm not sure of the policies that</p>



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<p style="text-align: right;">129</p> <p>1 were in place in 2000.</p> <p>2 Q No, no, no. Excuse me. Read --</p> <p>3 I'm talking about the bottom of the</p> <p>4 application. You have -- you may not can</p> <p>5 read it. It's a trial. But see at the very</p> <p>6 bottom?</p> <p>7 A It says, I understand that</p> <p>8 consideration for employment in this</p> <p>9 position is contingent upon the results of a</p> <p>10 reference and a background check.</p> <p>11 Q I'm sorry. He has to type it.</p> <p>12 If you could read it a little slower,</p> <p>13 please. Slower.</p> <p>14 A I understand that consideration</p> <p>15 for employment in this position is</p> <p>16 contingent upon a reference and a background</p> <p>17 check.</p> <p>18 Q All right. Does it say anything</p> <p>19 else?</p> <p>20 A I mean, I can read the entire</p> <p>21 statement, if you'd like me to.</p> <p>22 Q Anything to do with the</p> <p>23 background check or anything about not</p>	<p style="text-align: right;">131</p> <p>1 Q Why not?</p> <p>2 A I did not see the need to based</p> <p>3 on his five years of employment with the</p> <p>4 company and his admittance of the charges</p> <p>5 previously. There was no question as to</p> <p>6 whether he was guilty or convicted.</p> <p>7 Q Of -- of what he said? That's</p> <p>8 not true, though, what he said. Do you know</p> <p>9 that --</p> <p>10 MS. SWAIN: Objection.</p> <p>11 Q -- now?</p> <p>12 A I don't know Frank's background.</p> <p>13 I never ran a background check.</p> <p>14 Q Never did anything to find out</p> <p>15 about it?</p> <p>16 A I did not run a background check</p> <p>17 on Frank based on his acknowledgement that</p> <p>18 he was convicted previously.</p> <p>19 Q Okay. Of child molestation?</p> <p>20 MS. SWAIN: Objection.</p> <p>21 A I don't recall the specific</p> <p>22 conviction he stated to me or specifically</p> <p>23 what's on the form.</p>
<p style="text-align: right;">130</p> <p>1 telling the truth on the application?</p> <p>2 A The first statement, I</p> <p>3 acknowledge that the information I have</p> <p>4 supplied is correct to the best of my</p> <p>5 knowledge and belief without any omission of</p> <p>6 any kind whatsoever.</p> <p>7 Q Up here where it says, I</p> <p>8 acknowledge that the information that I have</p> <p>9 supplied is correct to the best of my</p> <p>10 knowledge and belief without any omissions</p> <p>11 of any kind whatsoever; I understand that</p> <p>12 any falsification, misrepresentation, or</p> <p>13 omission of fact may be grounds for</p> <p>14 rejection of my application or discharge of</p> <p>15 any time of my employment, did -- did you --</p> <p>16 at the time that there was this issue about</p> <p>17 whether or not Frank was a child molester --</p> <p>18 and apparently -- did you have -- institute</p> <p>19 a background check to find out if he had</p> <p>20 completely told the truth about his felony</p> <p>21 background?</p> <p>22 A I did not perform a background</p> <p>23 check on Frank Williams, no.</p>	<p style="text-align: right;">132</p> <p>1 Q In Plaintiff's 12, it says, I</p> <p>2 don't like it -- I don't start trouble.</p> <p>3 What happened 15 years ago is none of her</p> <p>4 business. And the -- he says she said that</p> <p>5 he -- that she was saying he was a child</p> <p>6 molester. So he admitted to being a child</p> <p>7 molester?</p> <p>8 MS. SWAIN: Objection. You don't</p> <p>9 need to answer that.</p> <p>10 Q Well, let me just -- just for my</p> <p>11 own edification, would you consider</p> <p>12 having -- sodomizing a 10-year-old as child</p> <p>13 molestation?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A I'm not a court of law. I'm not</p> <p>16 going to determine what is or is not a</p> <p>17 conviction or -- or --</p> <p>18 Q No. I didn't ask you was it a</p> <p>19 conviction. I asked you would you consider</p> <p>20 your -- if you had a 10-year-old daughter</p> <p>21 that a 27-year-old man had oral sex with,</p> <p>22 would you consider that child molestation?</p> <p>23 MS. SWAIN: Objection.</p>

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<p style="text-align: right;">133</p> <p>1 A Again, it's not my call. That's  2 my -- I don't write the laws.  3 Q And you would have no opinion of  4 that as a -- as a father of a child?  5 A As an opinion, I can give you an  6 opinion, yes.  7 Q That's what I'm asking for.  8 A But opinions aren't -- is not the  9 law.  10 Q Oh. And I -- I didn't remember  11 on your -- on your -- your resume saying  12 got -- that you had gotten a law degree.  13 A That's correct.  14 Q And you -- and you just told me  15 --  16 A And I don't.  17 Q -- you don't know -- well, then,  18 why would you tell me that your opinion is  19 not the law? I asked you for your own  20 opinion as to whether --  21 A My opinion is irrelevant. The  22 facts are the facts.  23 Q Okay. Now -- but do you have an</p>	<p style="text-align: right;">135</p> <p>1 Q I'm not asking about what their  2 opinion is. I'm asking your opinion.  3 A Again, based on the -- an  4 individual situation if I independently  5 evaluated a situation and I had an opinion  6 on it.  7 Q Okay. Well -- all right. Tell  8 me, sir, circumstances under which having  9 oral sex with a 10-year-old if you're 20 --  10 over 20 --  11 MS. SWAIN: Can we take a break?  12 MS. ROBERTSON: Sure.  13 THE VIDEOGRAPHER: We're off at  14 12:05.  15 (Whereupon, a short break was taken.)  16 THE VIDEOGRAPHER: Okay. We are  17 back on at 12:14.  18 MS. ROBERTSON: Is there a  19 question on the table, Mr. court  20 reporter?  21 (Whereupon, the court  22 reporter read the pending  23 question.)</p>
<p style="text-align: right;">134</p> <p>1 opinion?  2 A On what?  3 Q On whether having oral sex with a  4 10-year-old is child molestation.  5 MS. SWAIN: Objection.  6 A My opinion would -- would be  7 based on the facts determined in an  8 investigation.  9 Q Assume that Frank Williams pled  10 guilty.  11 A Again, I'm not assuming anything.  12 Q Are you refusing to answer my  13 question?  14 A No, ma'am.  15 Q Well, then, assume that Frank  16 Williams was convicted of having oral sex  17 with a 10-year-old. Would you, Mr. Tommy  18 Nance, consider that child molestation?  19 MS. SWAIN: Objection.  20 A I would abide by what the courts  21 decided. If they convicted him of a  22 specific crime, then that is their opinion  23 as the courts.</p>	<p style="text-align: right;">136</p> <p>1 MS. ROBERTSON: And then he asked  2 --  3 THE COURT REPORTER: Can we take  4 a break.  5 MS. ROBERTSON: I kindly let him  6 have a break in the middle of a  7 question.  8 BY MS. ROBERTSON:  9 Q Okay. I'll withdraw that  10 question and start over. Tell me,  11 Mr. Nance, under what circumstances can you  12 imagine that it would ever be all right or  13 not child molestation for a 20-something  14 person to have oral sex with a 10-year-old.  15 MS. SWAIN: Objection.  16 A I do not believe that child  17 molestation is a good thing, but  18 determination of what child molestation is,  19 again, is a legal issue, the definition of  20 it.  21 Q Okay. But all I'm asking you is  22 can -- you had said immediately before I let  23 them take a break and take you outside</p>

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<p style="text-align: right;">137</p> <p>1 that -- that you had to look at each 2 individual circumstance and make a decision 3 when I was asking for your opinion, not the 4 laws of -- and you said you had to look at 5 each individual situation. And I want you 6 to tell me, in your wildest imagination can 7 you imagine or can you think of a situation 8 where a 20-something year old having oral 9 sex with a 10-year-old would not be child 10 molestation. 11 MS. SWAIN: Objection. 12 A Again, in my opinion, if that 13 occurred, would it be child molestation? 14 I -- I couldn't tell you yes or no, 15 determined on what the court case determines 16 is whether it's declared as child 17 molestation or not. 18 Q I got you. 19 (Plaintiff's Exhibit Number 20 13 was marked for identification 21 and attached to the deposition.) 22 BY MS. ROBERTSON: 23 Q Tell me what this is, sir.</p>	<p style="text-align: right;">139</p> <p>1 the person in the front office. 2 Q Well, why didn't you get 3 documentation forms from these people? 4 A Again, if they gave statements, 5 they -- they would have given statements. 6 Q All right. Well, are there any 7 statements that you can think of that -- 8 that you would have gotten? 9 MS. SWAIN: Objection. 10 A I -- I don't have records that 11 were kept. I don't know. 12 Q Well, would ordinarily Chris 13 Jordan have gone and given the documentation 14 forms to anybody that my client said was a 15 witness? 16 A A member of management would have 17 given the documentation form and asked for a 18 statement from anyone identified, but they 19 do not have to give a statement. 20 Q Well, where -- can you think of 21 any place that document -- that statement 22 would be, if not in -- in Linda's file? 23 A Statements were kept in</p>
<p style="text-align: right;">138</p> <p>1 A This is Linda Thornton's 2 statement from March 1st, '06. It's got a 3 statement of threats being made, comments 4 being made, to another employee. 5 Q By Frank Williams? 6 A Linda states that the team leader 7 made -- has told comments against her to 8 another employee. 9 Q And threats? 10 A She states very serious comments 11 and threats made, yes. 12 Q Okay. I just want this to be 13 over with, which I believe is what it would 14 be after last week's meeting with Tommy in 15 HR. These threats and comments were made to 16 an employee in the front office. 17 Did you receive this? I guess Chris 18 Jordan took the statement. What did you do 19 when you received Plaintiff's Exhibit Number 20 13? 21 A Again, form an investigation as 22 usual, question Linda, I'm sure, question 23 the other employee, whoever was mentioned,</p>	<p style="text-align: right;">140</p> <p>1 individuals' files so I don't know of any 2 other place, no. 3 (Plaintiff's Exhibit Number 4 14 was marked for identification 5 and attached to the deposition.) 6 BY MS. ROBERTSON: 7 Q Plaintiff's Exhibit Number 14, 8 what is this, sir? 9 A This is the memo to file, 10 disciplinary action for Linda Thornton 11 related to the February 16th comments. 12 Q What is the date on it? 13 A This was issued on March 7th. 14 Q What, six days after Plaintiff's 15 Exhibit Number 13 came in from Linda 16 Thornton? 17 A It appears that's when it was 18 signed, yes, when it was issued. 19 Q Well, tell me how it was that 20 Linda makes a complaint on March the 1st and 21 she ends up getting written up for something 22 that happened in February. 23 MS. SWAIN: Objection.</p>

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<p style="text-align: right;">141</p> <p>1 A I don't recall the specific time 2 frame for the investigation that occurred. 3 It could have been later due to vacations or 4 absences, due to key people I was talking 5 with. I don't know why the lapse between 6 2/16 and March 7th. I can't tell you 7 specifically why that occurred, no. 8 Q Well, it -- it says here in her 9 Plaintiff's Exhibit Number 13 that -- 10 that -- that there had been some meetings 11 with Tommy and HR about this allegation of 12 this child molestation. Do you recall those 13 meetings? 14 MS. SWAIN: Objection. 15 A The assumption may be she's 16 referring to the investigative meetings. 17 I -- I don't know what meeting she's 18 referring to. 19 Q Well, when you said you had 20 determined that -- that she had acted in an 21 inflammatory and -- and I must criticize 22 your English -- I have determined that you 23 acted in a way that was inflammatory and</p>	<p style="text-align: right;">143</p> <p>1 She was complaining that Frank was 2 making threats about what he was going to do 3 to her; right? 4 MS. SWAIN: Objection. 5 A I don't -- I don't know what 6 those allegations were, what her -- 7 Q You don't remember -- 8 A -- comments were. 9 Q -- any -- any of -- did you have 10 a conversation with her? 11 A I investigate every statement 12 that comes in, every documentation form, 13 yes. 14 Q My question is, did you have a 15 conversation with her after you received 16 Plaintiff's 13 about what kind of threats 17 were being made? 18 A I don't recall specific 19 conversations I've had about the 20 investigations. 21 Q I didn't ask you about the 22 specifics. I asked you did you have a 23 conversation.</p>
<p style="text-align: right;">142</p> <p>1 instigationally. What did she instigate? 2 A Disruptive behavior. 3 Q Disruptive behavior which 4 instigated what, Frank making threats? 5 MS. SWAIN: Objection. 6 A Linda's discussion of personal 7 business caused conflict in the work force. 8 Q Did it cause Frank to make her 9 threats? 10 MS. SWAIN: Objection. 11 A Again, just the disruptions of 12 the work force is noted. It's -- 13 Q No, no, no, no. She complained 14 that he was making threats about what -- 15 about what he was going to do to her and 16 then -- 17 A Which complaint are you referring 18 to there? Tell me. 19 Q I'm referring to Plaintiff's 20 Exhibit Number 13. Repeatedly has been told 21 of comments that team leader has made 22 against me after -- one after investigation. 23 Various serious comments and threats made.</p>	<p style="text-align: right;">144</p> <p>1 A We probably did. If a statement 2 was turned in, then there was a follow-up 3 investigation. 4 Q But you don't remember anything 5 about it? 6 A That's why I have notes. 7 Q Which we don't have; is that 8 right? 9 A (No response.) 10 Q You don't remember any -- you 11 need to answer out loud for this court 12 reporter. 13 A There was no answer. The notes 14 aren't here. 15 Q And you have no memory? 16 A I don't rely on my memory to 17 differentiate between which specific 18 conversation I had on which specific day 19 over a multitude of a year and multiple 20 conversations but -- 21 Q Well, my -- whether you can 22 remember whether it had anything to do 23 with -- did you ever have a conversation</p>



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<p style="text-align: right;">145</p> <p>1 with Linda about whether Frank was making  2 threats against her?  3 A I'm sure I did.  4 Q Okay. And why are you sure you  5 did?  6 A During the course of the  7 investigation, if she said there are threats  8 being made, I would have questioned her on  9 what those threats were.  10 Q So you're sure you did but it's  11 not because you remember any conversation,  12 whether it was then or any time. You just  13 are sure you did because she made a  14 complaint and you would have investigated  15 it?  16 A I would have investigated  17 anything in the statement, yes.  18 Q Okay. Do you remember what she  19 said the threats were?  20 A Not from memory, no.  21 Q Do you remember that he was going  22 around saying he was going to fuck her up if  23 she -- if he lost his job by her saying that</p>	<p style="text-align: right;">147</p> <p>1 CERTIFICATE  2  3 STATE OF ALABAMA:  4 COUNTY OF BUTLER:  5  6 I hereby certify that the above and  7 foregoing deposition was taken down by me in  8 stenotype and the questions and answers  9 thereto were transcribed by means of  10 computer-aided transcription, and that the  11 foregoing represents a true and correct  12 transcript of the testimony given by said  13 witness upon said hearing.  14 I further certify that I am neither of  15 counsel, nor of kin to the parties to the  16 action, nor am I in anywise interested in  17 the result of said cause.  18  19  20 RENNY MCNAUGHTON  21 Certified Court Reporter  22 License Number: ACCR #:411  23</p>
<p style="text-align: right;">146</p> <p>1 he was a child molester?  2 MS. SWAIN: Objection.  3 A I don't recall those specific --  4 it's not in statements.  5 Q You have no recollection of -- of  6 her complaining about that?  7 A No, I do not.  8 MS. ROBERTSON: That's all I  9 have.  10 MS. SWAIN: Can we take a short  11 break? I may have a few questions.  12 THE VIDEOGRAPHER: We're off at  13 12:34.  14 (Whereupon, a short break was taken.)  15 DEPOSITION CONCLUDED  16  17  18  19  20  21  22  23</p>	



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<b>A</b>	80:9 83:3	<b>alphabetically</b>	58:15 72:15	73:23 74:9
<b>abide</b> 134:20	93:10	36:19,20	99:3 130:18	101:2 102:13
<b>ability</b> 112:11	<b>addresses</b> 49:12	<b>altercation</b>	<b>appear</b> 50:3	115:15 118:15
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135:13,16 146:12 <b>videos</b> 22:13 <b>videotape</b> 6:16 <b>violation</b> 97:1 112:11 <b>violence</b> 97:5	<b>went</b> 13:19,21 <b>weren't</b> 26:1 45:14 84:22 <b>we're</b> 8:20 48:15 72:20 89:17 103:11 109:7 135:13 146:12 <b>we've</b> 32:12 73:12 76:1,5 86:5 107:5 <b>whatsoever</b> 130:6,11 <b>wife</b> 85:19,20 122:18 <b>wife's</b> 110:11 111:4 <b>Wiggins</b> 5:16 <b>wildest</b> 137:6 <b>Williams</b> 6:19 35:18 46:15 47:10,13,18 52:1 56:2,14 56:23 57:9,12 67:2 69:11,16 71:18 73:17 74:22 75:7,18 86:6,8 95:18 95:22 96:17 101:12 104:9 105:11 106:19 107:16 110:4,6 112:14,16 117:3 120:22 121:2,22 125:19,21 127:11 130:23 134:9,16 138:5 <b>winners</b> 61:22 <b>withdraw</b> 136:9 <b>witness</b> 6:11 8:5 8:12,17,23 9:4 9:10,14,17 66:18 74:8 75:12 76:18	87:1 90:19 92:6 120:1 139:15 147:13 <b>witnessed</b> 75:7 <b>witnesses</b> 35:22 58:3 67:8 70:17 75:16 81:23 <b>women</b> 120:7 <b>won</b> 62:2 <b>word</b> 68:5 69:7 69:11 77:13 <b>wording</b> 76:17 <b>words</b> 20:8 65:21 72:4,8,9 76:14 78:19 79:3 80:9,12 80:13 81:5,9 81:23 94:2 <b>work</b> 9:3 10:15 10:15,17,19 11:6 71:17 76:10 88:3,19 91:22 92:12,15 93:2,5 97:19 99:6 105:12 112:11 119:20 122:19 123:19 126:14,19 142:7,12 <b>worked</b> 12:14 <b>working</b> 45:5 55:7 112:7 117:6 <b>workplace</b> 112:6 115:14,23 126:12 <b>world</b> 125:20 <b>wouldn't</b> 70:19 112:3 124:12 <b>write</b> 45:1,7,11 45:14,15,21,23 46:15 47:3 51:17 69:22	83:1 124:22 133:2 <b>write-up</b> 91:12 91:23 94:5,6,9 94:18 97:15,19 98:1,5 <b>write-ups</b> 57:16 <b>written</b> 15:11,16 15:19 30:14,21 30:23 31:7 32:3,8,11,14 32:16 33:12 37:12 42:14 43:2,4 44:13 46:13 57:12 70:21,23 71:9 71:18 72:1,12 87:23 88:7,12 89:4,12 91:9 91:11,21 92:9 92:14 98:6,17 99:14 107:8 140:21 <b>wrote</b> 39:19	12:2 100:17,18 109:22 110:15 111:1 114:2 115:20 128:10 131:3 132:3 <b>yelled</b> 46:5 <b>yelling</b> 35:20 47:15 49:7 50:16 54:2 68:11 69:8 71:19 75:2,2 75:14,17 77:5 79:3 109:9 <b>yells</b> 90:3 <b>younger</b> 128:10
<b>W</b>				<b>Z</b>
<b>Wachovia</b> 5:6 <b>wait</b> 120:16,16 126:7 <b>walk</b> 45:6 46:12 <b>walked</b> 76:14 <b>walking</b> 88:20 <b>want</b> 7:23 13:8 42:1 73:7 108:21 127:8 137:5 138:12 <b>wanted</b> 46:1 62:13 74:5 122:21 <b>wanting</b> 89:13 <b>wants</b> 32:14 <b>warranted</b> 70:13 93:11 124:17 <b>wasn't</b> 25:8,18 31:16 80:1 92:9 93:22 116:9 119:19 120:10 122:19 <b>waste</b> 8:15 <b>way</b> 35:13 41:2 74:11 85:1 91:11 102:19 115:1 117:20 121:1,21 123:2 141:23 <b>ways</b> 29:5,7 <b>week</b> 63:3 <b>weeks</b> 63:22 <b>week's</b> 138:14 <b>welcomed</b> 90:2				<b>Z</b> 46:7
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				<b>1</b> 4:6 6:16 17:14 17:17 <b>1st</b> 138:2 140:20 <b>10</b> 1:22 4:15 125:13,16 127:12 128:19 <b>10th</b> 2:8 3:1 6:10 6:21 <b>10-year-old</b> 114:12 132:12 132:20 134:4 134:17 135:9 136:14 137:9 <b>10:38</b> 72:21 <b>103</b> 4:15,16 <b>104</b> 4:17 <b>107</b> 10:6 <b>107cv-712-W...</b> 1:5 <b>107-CV-712-...</b>
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367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

**FREEDOM COURT REPORTING**

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6:20	<b>2/16</b> 104:1,10	<b>618</b> 5:12		
<b>11</b> 4:16 74:19	141:6	<b>63188</b> 5:13		
103:15,19	<b>20</b> 62:6 92:18	<b>66</b> 4:9		
123:14	135:9,10	<b>67</b> 4:10		
<b>11:35</b> 103:12	<b>20-something</b>	<b>68</b> 4:11		
<b>12</b> 4:17 104:3,7	136:13 137:8			
110:2,5 132:1	<b>2000</b> 129:1	<b>7</b>		
<b>12:05</b> 135:14	<b>2005</b> 40:1	<b>7</b> 4:12 72:23		
<b>12:14</b> 135:17	<b>2006</b> 96:22	73:4 74:13		
<b>12:34</b> 146:13	<b>2008</b> 1:22 2:9	92:17		
<b>125</b> 4:14	3:2 6:10,21	<b>7th</b> 140:13 141:6		
<b>13</b> 4:18 137:20	<b>25</b> 62:6	<b>72</b> 4:12		
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<b>13th</b> 85:13		95:15		
<b>13-year-old</b>	<b>3</b>			
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96:22	<b>35203</b> 5:19	<b>9:41</b> 48:11		
<b>14-year-old</b>	<b>35203-5202</b> 5:8	<b>9:53</b> 48:15		
114:15		<b>95</b> 4:13		
<b>140</b> 4:19	<b>4</b>			
<b>15</b> 2:21 110:15	<b>4</b> 4:9 66:12,15			
110:23 132:3	<b>411</b> 147:21			
<b>15-year-old</b>	<b>420</b> 5:6			
114:16	<b>48</b> 4:7			
<b>16</b> 97:2	<b>5</b>			
<b>16th</b> 85:21,22	<b>5</b> 4:10 67:18,21			
96:18 140:11	71:4			
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<b>17</b> 4:6	<b>50</b> 73:14 74:12			
<b>18</b> 86:21 92:19	<b>51</b> 73:8			
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128:13	<b>54</b> 86:16 92:18			
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	<b>6</b>			
<b>2</b>	<b>6</b> 4:11 68:19,22			
<b>2</b> 4:7 48:14,17	71:4			
48:20 56:2	<b>6/14</b> 56:10 96:21			

**367 VALLEY AVENUE****(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



## **RALCORP HOLDINGS, INC.**

**F'06 Goals**

### **EMPLOYEE INFORMATION**

**NAME OF EMPLOYEE:** Tommy Nance

**BUSINESS  
UNIT/DEPARTMENT:** Dothan Operations

**JOB TITLE:** HR Manager

**DATE OF LAST REVIEW:** None This is a goal setting document only

**Revised: 7/98 - Final**

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**FH000736**

## GOAL SETTING

## SECTION 4

## BUSINESS/DEVELOPMENTAL GOALS

Goals are to be developed by the individual and the supervisor. Goals should be measurable, obtainable, and challenging and should cascade from those goals established at the corporate and departmental level. The individual and the supervisor must mutually agree to the derived goals. Goals must be developed in coordination with corporate, departmental, and individual business/developmental views in mind. Goals should be modified if they are changed during the review process.

You and your supervisor should discuss the relative importance goal attainment and skill set performance and development will have in determining our overall performance rating for this review period.

## 1. GOAL

Maintain a level FTE (Full Time Employee) base that keeps temps minimized to 10-20, excluding gift pack.

## ACTION STEPS

Working with Production maintains a staffing grid that is monitored weekly that shows where openings exist. Trigger hiring to keep up with the level of attrition.  
Monitor the employees that are "at risk", due to attendance or performance as part of the hiring trigger.  
Develop a relationship with several community venues beyond the Unemployment office to tap into employees; Career Services, Work Release program, University Career offices, Hispanic, etc...

## 2. GOAL

Primary coordinator for the employee training process, both hourly and Salaried.

## ACTION STEPS

Develop a training program for new salaried hires to cover basic job knowledge. This needs to be completed by QF2 for Sasha, Harrel, Fred, Wiley, Jeff and Donald.  
Pick up information already collected by David Helms, solicit more information from the Dept. Managers and submit the training grant application that is available from the Career Services Office.  
Enhance the current new employee orientation.  
Working with Production creates a cross training/back up training process for critical positions; Roaster, Label machine, Filler, etc...



3. **GOAL**

Assess and then develop the current HR department into what is best for the Dothan site.

**ACTION STEPS**

Assess and review both the roles currently filled by Leigh and Vera.  
Ensure that all duties that are needed at this site are performed by the department.  
Complete the job description assessment, including review of Grade level and discuss with incumbents by Jan 2006.

4. **GOAL**

Development of an hourly incentive program ready to implement Oct 2006/fiscal 07.

**ACTION STEPS**

Working as a team with Finance, Operations and Divisional develop an incentive program that will be paid out quarterly and be tied directly to budgeted performance.  
This must be drafted and ready for presentation for approval by the end of F'06 QF3.

5. **GOAL**

Ensure that all Bremner/Ralcorp policy and procedure is implemented at the Dothan facility

**ACTION STEPS**

Working with Alice Clark and Steve Smith will get an understanding of what has/has not been implemented in the last year. Complete the implementation of those still in place and ensure that administration of existing policy is correct.

6. **GOAL**

Achievement of Plant Safety goals

**ACTION STEPS**

Vernon James, Plant Safety Manager reports to HR and will have primary responsibility to ensure that all proactive programs are being executed as targeted.  
Ensure that appropriate follow up is being conducted on all existing accidents and challenges are being made where possible to keep WC costs minimal.

7. GOAL

Complete all activities as outlined on HR Dothan Action Plan

ACTION STEPS

See attached document.

A few of the items on this document are separately listed as goals above.

EMPLOYEE SIGNATURE

Terry Mann

DATE

12/15/05

MANAGER SIGNATURE

Mary Ann Bayer

DATE

12-15-2005

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FH000739



## RALCORP HOLDINGS, INC.

F'06 Goals

### EMPLOYEE INFORMATION

NAME OF EMPLOYEE: Tommy Nance

BUSINESS  
UNIT/DEPARTMENT: Dothan Operations

JOB TITLE: HR Manager

DATE OF LAST REVIEW: None This is a goal setting document only

Revised: 7/98 - Final

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FH000740

## GOAL SETTING

## SECTION 4

## BUSINESS/DEVELOPMENTAL GOALS

Goals are to be developed by the individual and the supervisor. Goals should be measurable, obtainable, and challenging and should cascade from those goals established at the corporate and departmental level. The individual and the supervisor must mutually agree to the derived goals. Goals must be developed in coordination with corporate, departmental, and individual business/developmental views in mind. Goals should be modified if they are changed during the review process.

You and your supervisor should discuss the relative importance goal attainment and skill set performance and development will have in determining our overall performance rating for this review period.

## 1. GOAL

Maintain a level FTE (Full Time Employee) base that keeps temps minimized to 10-20, excluding gift pack.

## ACTION STEPS

Working with Production maintains a staffing grid that is monitored weekly that shows where openings exist. Trigger hiring to keep up with the level of attrition.  
Monitor the employees that are "at risk", due to attendance or performance as part of the hiring trigger.  
Develop a relationship with several community venues beyond the Unemployment office to tap into employees; Career Services, Work Release program, University Career offices, Hispanic, etc...

## 2. GOAL

Primary coordinator for the employee training process, both hourly and Salaried.

## ACTION STEPS

Develop a training program for new salaried hires to cover basic job knowledge. This needs to be completed by QF2 for Sasha, Harrel, Fred, Wiley, Jeff and Donald ~~Samuel~~ X  
Pick up information already collected by David Helms, solicit more information from the Dept. Managers and submit the training grant application that is available from the Career Services Office.  
Enhance the current new employee orientation.  
Working with Production creates a cross training/back up training process for critical positions; Roaster, Label machine, Filler, etc...

QF31 End of June

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FH000741

3. GOAL

Assess and then develop the current HR department into what is best for the Dothan site.

ACTION STEPS

Assess and review both the roles currently filled by Leigh and Vera.  
Ensure that all duties that are needed at this site are performed by the department.  
Complete the job description assessment, including review of Grade level and discuss with incumbents by Jan 2006. ~~2722 10/23/2006~~

*Database Aug 1st*

4. GOAL

Development of an hourly incentive program ready to implement Oct 2006/fiscal 07.

ACTION STEPS

Working as a team with Finance, Operations and Divisional develop an incentive program that will be paid out quarterly and be tied directly to budgeted performance.

This must be drafted and ready for presentation for approval by the end of F'06 QF3. - MAB needs to initiate.

5. GOAL

Ensure that all Bremner/Ralcorp policy and procedure is implemented at the Dothan facility

ACTION STEPS

Working with Alice Clark and Steve Smith will get an understanding of what has/has not been implemented in the last year. Complete the implementation of those still in place and ensure that administration of existing policy is correct.

*Handbook May 15th*

6. GOAL

Achievement of Plant Safety goals

ACTION STEPS

*Tracking well.*

Vernon James, Plant Safety Manager reports to HR and will have primary responsibility to ensure that all proactive programs are being executed as targeted.  
Ensure that appropriate follow up is being conducted on all existing accidents and challenges are being made where possible to keep WC costs minimal.

*Training Session for Supervision*

*Emergency Action Plan Roll out*



7. GOAL

Complete all activities as outlined on HR Dothan Action Plan

ACTION STEPS

*-Refer to Action Plan*

See attached document.

A few of the items on this document are separately listed as goals above.

EMPLOYEE SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MANAGER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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**EMPLOYEE'S ASSESSMENT**  
**(Optional)**

**SECTION 5**

Employees are encouraged to provide their candid assessment of the evaluation and the evaluation process. Please be specific. Forward the completed Assessment form to your locations' HR Dept (29R for St. Louis based employees).

How well do you believe the evaluation accurately reflects your performance during the review period?

Overall reaction to the performance review process. *(Please note those areas which you believe to be strengths and those where improvement is needed.)*

EMPLOYEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

*An Employee may appeal the results of the performance review. The appeal may be made with your Manager, Manager's Supervisor, Department Head or a member of the Human Resource staff.*

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**FH000744**

**Dothan  
Human Resources  
Action Plan  
FY06**

Category	Item	Action Steps	Target Complete Date	Status	Comments	Update Comments 04/17/06
Safety	Conduct Safety Inspections	All employees complete one per week	1/1/06	Ongoing	Some teams participating	Per Vernon - now at 100%, but will be an ongoing process
	Implement Safety Observations	All managers complete one per week	1/1/06	Ongoing	Some teams participating	STOP will start April 13
	Develop Master Training agenda	Vernon conducts "Train the Trainer with supervisors who train their employees	12/5/05	Complete	Must ensure quality of training as passed on. Vernon to supplement with training videos/material from other locations	Complete
	Tool box talks	Conducted weekly on all teams	12/5/05	Complete		Complete
	Disciplinary Action	Utilize disciplinary action to drive seriousness of safety violations	12/5/05	Ongoing		Ongoing
	Emergency Responders	Identify and train Responders. Treat minor injuries on site.	2/1/06	Complete	Team trained in First Aid during November. Will train in CPR by February 1, 06	Complete
	Accident response procedure	Detailed procedure to manage the relationship with the physicians and ER to minimize recordability	12/5/05	Complete	Have met with common medical providers regarding company expectations and light duty program. Member of management accompanies all Dr. visits.	Complete
	Safety Committee	Re-establish the plant safety committee. Drive interest and participation from all areas of the plant.	12/5/05	Ongoing	Currently posting for new members to serve specific terms - specifically hourly employees. Have committees for 1st and 2nd shifts. They meet once/month. Involve them in accident investigations and JIT development, immediately.	Always ongoing
	Accident reviews - management team	Accident investigations completed within 24 hours of incident. Management review within 48 hours.	12/5/05	Ongoing		Ongoing
	Management Involvement	Participate in observations, inspections, and accident investigations	12/5/05	Ongoing		Ongoing

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**Dothan  
Human Resources  
Action Plan  
FY06**

Category	Item	Action Steps	Target Complete Date	Status	Comments	Update Comments
	STOP Program	January 1, 2006 launch. Involve Princeton resources.	1/31/06	Ongoing		STOP will start April 13
Staffing	Master Staffing Plan	Determine FTE to establish optimal staffing levels. Balance temp staffing off that.	1/31/06	Ongoing	Working with production and scheduling.	Meeting scheduled for 4/18 to review again
		Determine temporary employee staffing levels.	12/31/05	Ongoing	Working with production and scheduling.	Meeting scheduled for 4/18 to review again
		Evaluate temporary staff services	1/31/06	Complete	Evaluate moving to Nutcracker temp forces in lieu of using a temp service. Evaluate increased pay levels vs paying agency mark-up.	Meeting scheduled for 4/18 to review again
		Create a Maintenance Staffing plan	12/15/05	Complete	Enhanced Ads placed in paper and websites asap (12/18/05 if possible). Conduct a job fair in January in conjunction with production openings.	Complete
	Competitive Analysis	Conduct an Area Wage Survey to determine competitive situation	1/31/06	In progress	Production and Maintenance	Follow up emails sent - use 3 we have to develop analysis
	Develop a Back-Up staffing procedure for skilled positions	Identify positions in need due to incumbent issues	1/31/06	Complete	This will be an ongoing process to anticipate upcoming openings. Cross-training procedure	Follow up emails sent - use 3 we have to develop analysis
Training	Develop a Master Training Plan	Conduct a Needs Analysis by position	1/31/06	Complete		Plan Complete - training will start first of May
		Skilled position templates developed	3/31/06	Complete		Plan Complete - training will start first of May
		Unskilled position templates developed	9/30/06	Complete		Plan Complete - training will start first of May

*Return to Rick  
close this week*

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**Dothan**  
**Human Resources**  
**Action Plan**  
**FY06**

Category	Item	Action Steps	Target Complete Date	Status	Comments	Update Comments 04/17/06
	Create a Maintenance Development Program	Review existing Maintenance Progression plan	1/31/06	In progress	Determine what components need to be revised	Possible create internal apprentice program
		Create a partnership with local resources (Wallace Community College) to create a pipeline and skill set development program	3/31/06	In progress		Possible create internal apprentice program
	Conduct a supervisory needs Mgt Devel analysis	Analysis completed by 1/1/06	1/1/06	In progress		on hold - Division
		Training template developed by 1/31/06	1/31/06	In progress		on hold - Division
		Training in progress by February 06	2/15/06	Complete		Complete
	Monthly training programs	Develop master schedule of topics	1/1/06	Complete	Utilize external resources in addition to current resources	Ongoing
	Develop supervisory orientation program	Comprehensive orientation program	3/31/06		Developed in conjunction with divisional efforts	Ongoing with Division
	Coaching/Performance plans	Create and deliver specific performance expectations to those performing at a less than acceptable level	1/31/06	On Going as needed		On going as needed
	Staffing involvement	Participate in hourly employee interview process	2/28/06	In progress	Must receive interview skills training in advance of their participation	In process / ongoing
	Development plan for Dothan HR team	Define job requirements/expectations. Deploy improvement plans where necessary.	12/31/05	Complete		Get approval on job description / review grade
Policy Review	Implementation of all Ralcorp/Bremner policies	Review complete	12/15/05	In progress		Complete
		Implementation of all policies	1/15/06	Complete		Complete

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**Dothan  
Human Resources  
Action Plan  
FY06**

Category	Item	Action Steps	Target Complete Date	Status	Comments	Update Comments 04/17/06
	Emergency Action Plan		2/20/06	Complete		Complete/ will revise and review
	Plant Security		2/16/06	Complete		Completed with Glenn Warren
	Revised hourly handbook	Policies revised and communicated	1/31/06	In progress		Targeted Reprint by May
Culture	Scorecards	Develop an action	2/28/06	In progress		Working on communication and training / ONGOING
		Share results from last meeting	2/28/06	Complete		Complete
	Buddy system	Implement formal Buddy system for new hires	2/28/06	In progress	Model off Princeton program	Still Developing Program
	Improve facilities where possible	Break room, housekeeping, etc.	9/30/06	In progress		On going
	Communications	Update/Replace bulletin boards, conduct monthly communication meetings	1/31/06	In progress		On going

*Warren - Mid June*

*Aug 1<sup>st</sup>*

*Capital Budget  
Deadline May 15<sup>th</sup>  
To 11<sup>th</sup> 1 Risk - values  
Head UP*

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**FH000748**

**PLAINTIFF'S  
EXHIBIT**

2

## DOCUMENTATION FORM

Employee Name: ~~Frank Williams~~ ~~Frank Williams~~ Frank Williams

Investigating Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Present: Mary Brooks

Who was involved: me &amp; Linda Thurton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3

When did it take place (time and day): 11:15 Am Wed.

What happened: Linda was having problems out of Lable machine so she just told me she was going to Break. I let her go but I was still having trouble with the machine. I finally got it fixed and Chris came around and told me to take out a Big Bag of Cans that was sitting on Line 3. had a lot of Bad Lables but was trying to work them in. Linda came back off Break. I was going to do what Chris had said then go back and over.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

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FH000804

sick and help with the book. I told her that Chris had  
yelled at me to help her get the rework. I told her that Chris had  
already told me to do something else and I would help her when I got through.  
She told me that was my ~~rework~~ <sup>rework</sup> and I had to stay and help  
get it done. I told her I could not I had to do something I  
was told to do. She got an attitude. I ~~put~~ put my hand in the air  
turned around and walked off. I had got very upset so instead of saying  
something that would get me in trouble I walked away.

John Lee

FH000804 a

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EEOC FORM 131 (5/01)

## U.S. Equal Employment Opportunity Commission

<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Department of Human Resources  <b>FLAVOR HOUSE PRODUCTS, INC</b>  2700 Horace Shepard Road  Dothan, AL 36303</p> </div> <div style="text-align: center; margin-bottom: 10px;"> <div style="background-color: black; color: white; padding: 5px; transform: rotate(-5deg); display: inline-block;"> <b>PLAINTIFF'S EXHIBIT</b> </div> <div style="font-size: 2em; margin-top: 10px;">3</div> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> PERSON FILING CHARGE   <p style="text-align: center;">Linda Thornton</p> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> THIS PERSON (check one or both)  <input checked="" type="checkbox"/> Claims To Be Aggrieved  <input type="checkbox"/> Is Filing on Behalf of Other(s) </div> <div style="border: 1px solid black; padding: 5px;"> EEOC CHARGE NO.  <p style="text-align: center;">420-2006-05107</p> </div>	
<b>NOTICE OF CHARGE OF DISCRIMINATION</b> <i>(See the enclosed for additional information)</i>		
<p>This is notice that a charge of employment discrimination has been filed against your organization under:</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Title VII of the Civil Rights Act   <input type="checkbox"/> The Age Discrimination in Employment Act </div> <div> <input type="checkbox"/> The Americans with Disabilities Act   <input type="checkbox"/> The Equal Pay Act </div> </div> <p>The boxes checked below apply to our handling of this charge:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> No action is required by you at this time.</li> <li>2. <input type="checkbox"/> Please call the EEOC Representative listed below concerning the further handling of this charge.</li> <li>3. <input checked="" type="checkbox"/> Please provide by <b>26-OCT-06</b> a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.</li> <li>4. <input type="checkbox"/> Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.</li> <li>5. <input checked="" type="checkbox"/> EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by <b>11-OCT-06</b> to <b>Debra B. Leo, ADR Coordinator, at (205) 212-2033</b>  If you <u>DO NOT</u> wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.</li> </ol> <p>For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p style="text-align: center;"><b>Deidre J. Rivers,</b>  ADR Assistant</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="text-align: center;"><i>EEOC Representative</i></p> <p style="text-align: center;">Telephone <u>(205) 212-2146</u></p> </div> <div style="width: 45%;"> <p><b>Birmingham District Office</b>  Ridge Park Place, Suite 2000  1130 22nd Street, South  Birmingham, AL 35205</p> </div> </div> <p>Enclosure(s): <input checked="" type="checkbox"/> Copy of Charge</p>		
<p><b>CIRCUMSTANCES OF ALLEGED DISCRIMINATION</b></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> RACE    <input type="checkbox"/> COLOR    <input checked="" type="checkbox"/> SEX    <input type="checkbox"/> RELIGION </div> <div> <input type="checkbox"/> NATIONAL ORIGIN    <input type="checkbox"/> AGE    <input type="checkbox"/> DISABILITY    <input checked="" type="checkbox"/> RETALIATION    <input type="checkbox"/> OTHER </div> </div> <p style="margin-top: 10px;"><b>See enclosed copy of charge of discrimination.</b></p>		
Date  <b>September 26, 2006</b>	Name / Title of Authorized Official  <b>Bernice Williams-Kimbrough,  District Director</b>	Signature  

LINDA THORNTON V. FLAVOR HOUSE -  
PLAINTIFF'S RFP DOCS 0146

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form		ENTER CHARGE NUMBER <input checked="" type="checkbox"/> EEOC 420 2006 05107
_____ and EEOC (State or local Agency, if any)		
<b>NAME (Indicate Mr., Ms., or Mrs.)</b> Linda Thornton		<b>HOME TELEPHONE NO.</b> (Include Area Code) 334-693-4488
<b>STREET ADDRESS</b> 100 Armstrong Street	<b>CITY, STATE AND ZIP</b> Headland, AL 36345	<b>COUNTY</b> Henry
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)		
<b>NAME</b> Flavor House Products, Inc.	<b>NO. OF EMPLOYEES/MEMBERS</b> Over 15	<b>TELEPHONE NO. (Include Area Code)</b> 334-983-5643
<b>STREET ADDRESS</b> 2700 Horace Shepard Road	<b>CITY, STATE AND ZIP</b> Dothan, AL 36303	<b>COUNTY</b> Houston
<b>NAME</b> _____		<b>TELEPHONE NO. (Include Area Code)</b> _____
<b>STREET ADDRESS</b> _____	<b>CITY, STATE AND ZIP</b> _____	<b>COUNTY</b> _____
<b>CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es):</b> <input type="checkbox"/> Race <input type="checkbox"/> Color <input checked="" type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> National Origin <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Other		<b>DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE</b> (Month, day, year) June 16, 2006
<b>THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s):</b> Social Security Number: <u>078-62-7979</u> Date of Birth: <u>5-16-64</u> Sex: <u>Female</u> Race: <u>Caucasian</u> I, Linda Thornton, began working for Flavor House Products, Inc. on or about June 25, 2001. While employed at Flavor House, I suffered sexual discrimination and retaliation. The sexual discrimination started during my first year of employment with Flavor House and continued throughout my employment. I was forced to resign my position with Flavor House on or about June 21, 2006, following my complaints to management of sexual discrimination and harassment.		
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		<b>NOTARY - (When necessary to meet State and Local Requirements)</b> I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct. 09-15-06 Linda Thornton Date Charging Party (Signature)		<b>SIGNATURE OF COMPLAINANT</b> Linda Thornton <b>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</b> (Day, month, and year) _____ 11-8-06

LINDA THORNTON V. FLAVOR HOUSE -  
 PLAINTIFF'S RFP DOCS 0147



Page 2 EEOC Charge

Name: Linda Thornton  
 Social Security #: 078-62-7979  
 Date: 9-15-06

So much has happened that I cannot possibly set out everything, but the following is a brief summary of the sexual discrimination and/or harassment that I was subjected to while employed at Flavor House Products, Inc.

During my first year of employment, I repeatedly tried to get a promotion to "Label Operator". I was passed over several times and the position was given to temporary male employees with less or no experience. Unlike the male employees, I was required to provide a resume listing my mechanical experience before I was given the position. The discrimination continued even after I received the position in that I did not receive the training that the male operators/employees received. Additionally, the mechanics, all male, and other male employees made derogatory comments about me working "in a man's job." The mechanics did not like for me to make adjustments to my machine. If I took longer than 5 minutes to make adjustments, they would push me out of the way and make the adjustments or they would call the male supervisor over to make the adjustments. However, the male operators made adjustments that took longer than five minutes and nothing was said. I suffered this discriminatory treatment from the time I was put in the Label Operator position until I was forced to resign. My supervisor was aware of the discriminatory treatment; however, he did nothing to stop the discrimination. I also made numerous complaints to Marianne Boyer, Director of Operations, about the sexually discriminatory work environment that the female employees, including myself, were forced to work in on a daily basis. I told her that the mechanics, who are all male, cursed at and yelled at the female employees and that they called the female employees derogatory names. I reported to her that the mechanics would not allow the female operators to make minor repairs on their machines, but did not say anything when male employees made the same or similar repairs. However, Boyer's typical response to my complaints was to tell me that I would have to "deal with it" as she had learned to "deal with it" and then gave me two examples of discrimination she had to "deal with" in the company.

The first time I worked with Frank Williams was sometime in 2003. He was supposed to help me learn how to run his machine. I worked with him for three to four weeks. During that time, he yelled at me and cursed me. He also called me a "fucking stupid bitch". I complained to Melvin Hutchins, a member of management, but Hutchins told me that Williams was the only one that knew how to run the machine so I would just have to get along with him. I didn't work with Williams again until the beginning of 2006. I applied for a position as Line 3 Label Operator and received the position. Williams was not in the department when I applied; however, he was moved to the department shortly afterwards as the Team Leader. From then until I was forced to resign, Williams treated me in a discriminatory and demeaning manner. He yelled at me and cursed at me every day. Williams constantly talked about his sex life with his wife. He talked about how often he had sex, how they had sex, where they had sex, and how often they had sex. He even said he could tell his wife was cheating on him because of the way she "felt" when they had sex. Williams was also very vocal about the fact that he was a registered sex offender. I complained about Williams and his discriminatory treatment many times. I complained to Hutchins and Chris Jordan, Supervisor. They told me it would be taken care of, but to my knowledge, nothing was ever done as Williams' discrimination continued. A few months before I was forced to leave my employment, I was written up for telling another employee that Williams was a registered sex offender even though Williams made this statement himself almost every day. At first I was called in and told not to discuss Williams history although he discussed it everyday. I was told that the matter would be dropped, but if I discussed his criminal history again, I would be written up. A few days later, another female employee told me that Williams was making threats to hurt me. I reported these threats to management and was written up for discussing Williams history after being told not to talk about it. The employee that told me about the threats was fired shortly afterwards. Williams was the reason I was forced to resign my position with Flavor House.

On or about June 14, 2006, I was operating the label machine on Line Three, my usual position. Williams took over my machine during my break. When I came back, Williams was re-loading my machine with labels. I saw that the

Page 3 EEOC Charge

Name: Linda ThorntonSocial Security #: 078-62-7979Date: 09-15-06

paperwork had not been done while I was on break so I started on it to get caught up. There was also an overflow of re-work that needed to be done and a box full of bad labels that had to be re-done. As the company was having an important audit done that day, I asked Williams to help me with the re-work when he walked by. Williams turned around and shouted at me that he had "better mother-fucking things to do than fucking re-work." Williams continued to yell at me and kept repeating, "God damn mother fucker" at me. I tried to ignore him. Williams walked to the outside of the line and continued to yell at me. While still yelling "God damn mother-fucker" at me, he began picking up pallets and slamming them down. He also picked up a large bag of trash and threw it. By this time, a line mechanic had walked up and I asked him several times to call a supervisor on the radio. He tried to call a couple of supervisors and was told "it will be one minute." Donald Coty, the Mechanic Supervisor, walked by and I asked him to call Melvin Hutchins. By the time Hutchins arrived, Williams had quit yelling and cursing at me, but was still throwing pallets around and glaring at me. Hutchins asked me what the problem was, and I told him that I knew it was not a good time for this because the audit was going on, but this was the last time Williams was going to lose his temper and "go off on me" by cursing and yelling at me and calling me a "God damn mother-fucker" for no apparent reason. Hutchins called Chris Jordan, Packaging Supervisor, and he came over to my line. Jordan inventoried my tool bag and then told me to come to his office that afternoon and write out a statement of what happened. I began crying as I told him about Frank's discriminatory treatment and that I was tired of having to deal with Williams. Jordan assured me the situation would be resolved. Hutchins and Jordan then left to go back to the audit. From the time they left until three o'clock when I went to the front office, Williams stood at my re-work table and glared at me. I was extremely uncomfortable. At three o'clock, I went to Jordan's office and wrote out a statement. I was still very upset and told Jordan that I didn't know what Williams' problem was and he said he didn't care what Williams' problem was and that he would turn in my statement in the morning. I also told Jordan that Williams went and asked Catherine Long, a nearby co-worker, if she thought he had yelled at me, and Ms. Long told him twice that she thought he had yelled at me.

On or about June 15, 2006, I returned to work and tried to do my job while avoiding Williams. My co-workers were called in to the office to provide statements regarding the incident. Williams returned to my re-work table and glared at me the same way he had the day before. He would also walk up close to my machine and stop and stare at me. Williams' demeanor was very intimidating and because I knew that he had a history of violence against women, I was afraid he was going to hurt me. I was so scared of Williams that I took a screwdriver out of my tool bag and began carrying it around in my back pocket. When he was not standing at my re-work table or next to my machine, he would go to the filler machine and talk to Stephanie. He would turn around and glare at me from time to time during his conversation. Melvin Hutchins walked by and I told him that I was not comfortable working with Williams and that I did not feel safe around Williams. Hutchins told me that he had read my statement and agreed that he would not feel safe either. He reassured me that the situation would be resolved. He told me not to let it get me down and to "pray on it". Later that day, I was moved to the Line 5 label machine; however, this was still in the same department with Williams and only a few feet away. This move afforded me no protection from Williams.

On June 16, 2006, I reported back to work and heard over the radio that Williams was not going to be at work that day. I called Jordan and asked if I was going to be moved back to my regular line, Line 3, since Williams was not going to be there. He said "no". I saw Hutchins later that morning and asked him if the move to Line 5 was permanent. He told me that he needed me on Line 5 right then and could not answer if the move was permanent. I then asked Ricky Smothers, the Supervisor over all Supervisors, if the move was permanent and he told me I would have to talk to Tommy (LNU) in PR. I asked Ricky if he was aware of what happened to me the day before. He said that he had heard bits and pieces of what happened. I asked him if he had read my statement and he said "no". I realized at that point that Williams was not going to be disciplined for his discriminatory behavior and that I was not going to be protected from him. I was so

Page 4 EEOC Charge

Name: Linda ThorntonSocial Security #: 078-62-7979Date: 09-15-06

upset that I had to clock out and go outside to calm down. Hutchins and Ricky followed me outside and told me to leave the property and come back in an hour to meet Tommy. I told them that I was too upset to drive so they told me I should wait in the car for Tommy to get there so I could talk to him. They did not want the other employees to see me crying and upset. I waited and spoke with Tommy and Marianne Boyer, CEO, about the situation with Williams. Despite my statement and statements from witness, they concluded that I had "baited" Williams. I tried to explain to them again that I did not feel safe working with Williams and that I had started carrying a screwdriver in my back pocket. Recognizing that they were not going to resolve the situation with Frank, I placed my badge on Tommy's desk. Boyer asked me not to quit and to think about it over the weekend. I repeatedly told Boyer that I did not feel safe working with Williams to which she responded several times that if this was a court of law the action they had taken would be acceptable. She accused me of having an issue with sexual discrimination, and even though she told me that the law required them to provide a safe work environment, she told me that Williams would not be terminated. She said I would be moved to Line 5 and Williams would be on Line 3 and that we would stay that way for three months to see which of us had a conflict first. There was no mention of a write up during this conversation. However, it was later stated that if I had returned to work following this incident, I would have been written up although I had done nothing wrong.

The next three scheduled work days I called in sick because I was too afraid to go in and face Williams. A female employee told me that the first two days I was out, Williams asked her where I was. On the third day, Flavor House called back and left a message that I would have to have a doctor's excuse to return to work. I called Leah Allums in Personnel Resources and told her that I would not be returning because I did not feel I would be safe working with Williams. I learned that after my employment ended, Williams was written up for cursing at another female employee.

I believe that I suffered from sexual discrimination, harassment, and retaliation while employed with Flavor House Products, Inc., and that I was discriminated against because of my sex, female. I have been discriminated against because of my sex in job assignments, training, promotions, wages, discipline, discharge, and other terms, conditions, and privileges of employment; and retaliated against in that the conduct was wilful, malicious, and in wanton disregard of my federally protected rights.

Linda Thornton  
Charging Party

09-15-06  
Date

## DOCUMENTATION FORM

Employee Name: Linda ThorntonInvestigating Supervisor: Chris JordanDate: 6-14-08Present: Melvin Hutchins, Frank HallWho was involved: Frank WilliamsWitness (s): Catherino Long, Wesley, Tamekin Cook

Date of incident: \_\_\_\_\_

Where did it take place: line 3When did it take place (time and day): 11<sup>00</sup> - 11<sup>05</sup>?

What happened: Today on line 3 when I came back from second break, (Frank Williams had relieved me.) I noted that the paperwork had not been done while I was on break, so I was catching up on the paperwork. Frank was reloading the machine with labels. There was re-work in a box full of cans, and the table was over-flowing with cans with bad labels. When Frank reloaded the machine he went to walk away - I asked him to help with the re-work - (the audit was going on) he started yelling at me that he had better "mother fucking things to do than worry about that fucking re-work. He continued to holler at me, and I told him to quit yelling & cussing at me. At this time he went from inside of the line to the outside of the line. The entire time yelling at me. Continued to yell mother fucker. God damn mother fucker. Throwing a large bag of cans. As he continued to yell and cuss at me - I continued to request that Wesley would please call for a supervisor. At this time Frank

Did this result in down time? no If yes how much?Did this result in product being scrapped? If yes how much? no

Attach an additional sheet if needed for witness statements following the same format.

was still yelling & cussing and I continued to ignore him. Donald Coty walked by and I requested that he please get a supervisor, please call Melvin Hutchins.

MHP →

Finally Frank went on his way. When Melvin came I told him about the situation at hand. Catherine ~~long~~ ~~long~~ was standing there and Wesley. And I honestly do not know who else. I ignored Frank Williams yelling God Damn mother fucker — whether he was calling me that name or just yelling it at me. Regardless — I won't take it again. No one else talks to me that way and he sure won't again. I don't have to tolerate that level of abusive language or name calling. Tameka asked me later what was he having a fit about.

Also, stated to Catherine "Did I holler at Linda". She stated "Yeah".



PLAINTIFF'S  
EXHIBIT

DOCUMENTATION FORM

5

Employee Name: Catherine Long

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams and Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before 1200 Noon

What happened: well Linda just had  
came from Brake and she  
asked Frank to help her clean  
off the table by Line 3 label  
machine. I hear Frank said  
the F word and I cant  
do every dam thing.  
that all I heard except he  
was doing a lot of yelling and  
ext. ext. ext.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

CONFIDENTIAL

FH000806

**PLAINTIFF'S  
EXHIBIT**

**DOCUMENTATION FORM**

6

Employee Name: Tamela Cooke  
Investigating Supervisor: Chris Date: 6-15-06  
Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before lunch

What happened: line 3 label machine messed up & we had  
bad labels on the work area & we cleaned some  
& when Linda got back from back some was  
left up there and she asked <sup>Frank</sup> what about this  
mess and Frank walked off saying curse words  
exact I don't know so Linda said something to  
him. ~~He~~ ~~at~~ ~~just~~ ~~was~~ ~~he~~ ~~threw~~ his hands  
up & said fuck it and went threw the curtains.  
She was ignoring him but it was words still  
being said from him.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

**CONFIDENTIAL**

**FH000808**

## FREEDOM COURT REPORTING

1

1

2

3

AUDIOTAPE TRANSCRIPTION

4

5

IN RE:

6

LINDA THORNTON VS. FLAVOR HOUSE PRODUCTS

7

and FRANKLIN D. WILLIAMS, JR.

8

9

CASE NO.: 1:07-CV-712-WKW

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COPY

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23

## FREEDOM COURT REPORTING

2

1 UNIDENTIFIED SPEAKER: Law  
2 office?

3 MS. COOK: May I speak to Linda  
4 Parrish?

5 UNIDENTIFIED SPEAKER: Hold on  
6 just a moment.

7 MS. PARRISH: Hello?

8 MS. COOK: This is the State of  
9 Alabama Unemployment Office.

10 MS. PARRISH: Yes, ma'am.

11 MS. COOK: I'm calling regarding  
12 the appeals hearing for Linda Parrish.

13 MS. PARRISH: Yes.

14 MS. COOK: Okay. Is this Linda?

15 MS. PARRISH: Yes, it is.

16 MS. COOK: Okay. Hold on one  
17 second. The employer representative, I  
18 need to give them a call. I think  
19 there's more than one person.

20 MS. PARRISH: Okay.

21 MS. COOK: Just a second. Let  
22 me get that party.

23 MR. TAYLOR: Good morning, this

## FREEDOM COURT REPORTING

3

1 is Tracy Taylor. Can I help you?

2 MS. COOK: Yes, Mr. Taylor, this  
3 is Ann Cook, State of Alabama  
4 Unemployment Office. I'm --

5 MR. TAYLOR: How are you today?

6 MS. COOK: Fine, thank you. I'm  
7 calling regarding Linda A. Parrish.  
8 She's on the other line, and I need to  
9 call Tommy Mance and Frank Williams.

10 MR. TAYLOR: Yes, ma'am.

11 MS. COOK: Okay. Hold on a  
12 second. Let me get the other parties on  
13 the phone.

14 MR. TAYLOR: Thank you, ma'am.

15 RECORDING: Thank you for  
16 calling Nutcracker Brands, formerly  
17 Flavor House Products. If you know your  
18 party's extension, you may dial it at  
19 any time. For consumer affairs, press  
20 four or hang up and dial 1-866-770-1157.  
21 For sales and marketing, press five.  
22 For all other options, press six.

23 To dial your party by last name,



## FREEDOM COURT REPORTING

4

1 press one. For shipping and receiving,  
2 press two. For purchasing, press three.  
3 For accounting, press four. For human  
4 resources, press five. For parts  
5 delivery, press six. For the operator,  
6 press zero. Please wait.

7 Thank you for calling Nutcracker  
8 Brands, formerly Flavor House Products.  
9 If you know your party's extension, you  
10 may dial it at any time. For consumer  
11 affairs, press four or hang up and dial  
12 1-866-770-1197. For sales and  
13 marketing, press five. For all other  
14 options, press six. Transferring to an  
15 operator; please wait.

16 UNIDENTIFIED SPEAKER:  
17 Nutcracker Brands. May I help you?  
18 MS. COOK: Yes. This is the  
19 State of Alabama Unemployment Office.  
20 I'm trying to get exten- --

21 UNIDENTIFIED SPEAKER: Yes,  
22 ma'am.

23 MS. COOK: -- extension 222.

## FREEDOM COURT REPORTING

5

1 UNIDENTIFIED SPEAKER: Okay,  
2 that's Tommy Mance. His door is -- it  
3 hasn't been open yet this morning. I am  
4 thinking he's either with someone in  
5 there or -- or not in yet.

6 MS. COOK: Well, he's expecting  
7 a phone call from the State of --

8 UNIDENTIFIED SPEAKER: Do you  
9 have an appointment with him or --

10 MS. COOK: He's expecting --  
11 yes, ma'am. He's expecting a phone call  
12 from the State of Alabama Unemployment  
13 Office.

14 UNIDENTIFIED SPEAKER: Okay.  
15 Let me walk down there and see -- and  
16 see if he's coming in. I'm going to  
17 stick you on hold for a minute, okay?

18 MS. COOK: All right.

19 UNIDENTIFIED SPEAKER: Ma'am?

20 MS. COOK: Yes?

21 UNIDENTIFIED SPEAKER: Okay.  
22 Hold on just one second. I'm going to  
23 transfer you over to him, okay? We have

## FREEDOM COURT REPORTING

6

1 a terrible connection, though; I can  
2 barely hear you. I hope it's better  
3 when he picks up. Hold on.

4 MR. MANCE: Tommy Mance.

5 MS. COOK: Mr. -- this is the  
6 State of Alabama Unemployment Office.  
7 I'm calling regarding the appeals  
8 hearing for Linda Parrish. I have Ms.  
9 Parrish on the other line along with --  
10 who is that? Tracy Taylor.

11 MR. MANCE: Okay. I have Frank  
12 Williams here with me as a witness.

13 MS. COOK: Okay. Okay. Ms.  
14 Linda Parrish, are you there?

15 MS. PARRISH: Yes.

16 MS. COOK: Okay. Do you have  
17 someone else with you?

18 MS. PARRISH: Yes.

19 MS. COOK: Who is it?

20 MS. PARRISH: My attorney.

21 MS. COOK: Would you mind giving  
22 me the name?

23 MS. CROOK: I don't represent

**FREEDOM COURT REPORTING**

7

1       you.

2                   MS. PARRISH: She's not  
3       representing me in this right here.  
4       Bobby Crook.

5                   MS. COOK: Are you tape  
6       recording the hearing? It's not allowed  
7       if you are. And no other tape is legal  
8       except the State of Alabama. So if  
9       you're tape recording, you cannot do  
10      that.

11                  MS. PARRISH: We're not tape  
12      recording.

13                  MS. COOK: Okay. Well, I have  
14      on the other line Tracy Taylor, Tommy  
15      Mance, and Frank Williams, a witness.

16                  Let me explain this procedure.  
17      The hearing is tape recorded. The State  
18      of Alabama, it requires that all  
19      unemployment hearings are tape recorded,  
20      and we're on the record now for appeals  
21      case number 088858206. This hearing is  
22      being conducted by teleconference.  
23      Today's date is August 23rd, 2006. My

**FREEDOM COURT REPORTING**

8

1 name is Ann Cook. I'm an administrative  
2 hearing officer for the State of Alabama  
3 Department of Industrial Relations,  
4 Hearings and Appeals Division, and I  
5 will be making the decision in this  
6 unemployment case. The claimant is  
7 present, Linda Parrish. The employee is  
8 Flavor House Products, Incorporated,  
9 represented by Tracy Taylor, Tommy  
10 Mance, and the witness Frank Williams.

11 Ms. -- Ms. Parrish unemploy- --  
12 her unemployment claim was filed through  
13 the Alabama counsel the week of June  
14 25th, 2006. This claim has been  
15 approved for payment of unemployment  
16 benefits and the State of Alabama was  
17 notified, Flavor House of this eligible  
18 determination and advised them if they  
19 disagree they have the right to appeal.  
20 They must file their appeal within 15  
21 calendar days of the date the notice was  
22 sent to them. The note was mailed to  
23 Flavor House Products, Incorporated on



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1 July 19th, '06. They did file a timely  
2 appeal. Under Alabama law, section  
3 254782, which is the issue regarding  
4 voluntary quit, the law states that if  
5 you voluntarily leave your last bona  
6 fide work without a good work-connected  
7 cause, the unemployment claim is denied  
8 indefinitely. Good work-connected cause  
9 means it stands to reason, just grounds  
10 for such action, adequate excuse that  
11 would bear the test of reason and  
12 knowledge, element of good faith, and to  
13 be good cause the reason for leaving has  
14 to be job connected. The law requires  
15 that if you voluntarily leave you must  
16 -- you're denied benefits until you  
17 return to other insured or acceptable  
18 work and earn ten times the weekly  
19 unemployment rate established on this  
20 claim.

21 This is the procedure we will  
22 follow, Ms. Parrish: I'll let you give  
23 your statement first. I'm going to ask

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1 you some questions, after which the  
2 employer representative, Mr. Taylor, and  
3 Mr. Mance will be allowed to ask you  
4 some questions. After that, I'll take  
5 your testimony.

6 Mr. Taylor, are you a  
7 representative, or are you giving  
8 testimony?

9 MR. TAYLOR: Ma'am, I'm acting  
10 only as a representative.

11 MS. COOK: Okay. Mr. Mance,  
12 I'll take your testimony, and Ms.  
13 Parrish will be allowed to ask you some  
14 questions, and then we will allow Mr.  
15 Taylor to ask Mr. Mance some questions  
16 also before Ms. Parrish then. And, Mr.  
17 Williams, we'll take your testimony, and  
18 Mr. Mance and Mr. Taylor will be allowed  
19 to ask you some questions as well as Ms.  
20 Parrish. After that, if there -- if  
21 there is any other information that you  
22 need to present to me to be considered  
23 that is relevant, you will be allowed to

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1 present that.

2 Are there any questions about  
3 this process? Okay. Well, you must be  
4 under oath before I take your testimony.  
5 I'll --

6 MS. PARRISH: Yes, ma'am.

7 MS. COOK: -- administer that to  
8 you now. Do you solemnly --

9 MS. PARRISH: Will you tell me  
10 if there is a lawyer present for them?

11 MS. COOK: I told you there  
12 were. Tracy Taylor is a rep.

13 Mr. Taylor, you work with Talk  
14 UC Express; is that correct?

15 MR. TAYLOR: Yes, ma'am. I'm a  
16 lay representative employed by Talk UC  
17 Express.

18 MS. COOK: Okay.

19 MR. TAYLOR: That's related to  
20 and handles unemployment patterns.

21 MS. COOK: Okay. I understand.  
22 Well, no, there is no attorney as far as  
23 I know, Ms. Parrish. He's a

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1 representative with the employer  
2 representative company, and the name of  
3 the company, Talk UC Express. And the  
4 other two individuals are Mr. Williams  
5 is the witness and, Mr. Mance, what's  
6 your title?

7 MR. MANCE: I'm the human  
8 resources manager.

9 MS. COOK: Okay. Okay. You  
10 must be under oath before I -- well, is  
11 there another question?

12 MS. PARRISH: No, ma'am.

13 MS. COOK: Okay. You must be  
14 under oath before I take your testimony.  
15 Do you solemnly swear to tell the truth,  
16 the whole truth, nothing but the truth,  
17 so help you God, Ms. Parrish?

18 MS. PARRISH: I do.

19 MS. COOK: And Mr. Mance?

20 MR. MANCE: I do.

21 MS. COOK: And Ms. Will- -- Mr.  
22 Williams?

23 MR. WILLIAMS: I do.

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1 MS. COOK: Okay.

2

3 EXAMINATION OF MS. PARRISH BY MS. COOK:

4 Q. Ms. Parrish, are you working  
5 now?

6 A. No, ma'am.

7 Q. Okay. When you worked for  
8 Flavor House Products, Incorporated,  
9 where -- where did you work? What  
10 location?

11 A. On the label machine.

12 Q. I -- where did you work? What  
13 location did you work? Where?

14 A. It's in Alabama.

15 Q. Where did you work, Ms. Parrish?  
16 What city did you work?

17 A. Dothan, Alabama.

18 Q. Okay. All right. Your job  
19 title, what was that?

20 A. Label operator.

21 Q. I'm sorry; you said label  
22 operator?

23 A. Yes, ma'am.



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1 Q. That's L-A-B-E-L?

2 A. Yes, ma'am.

3 Q. Okay. And how long did you work  
4 for this company?

5 A. Five years.

6 Q. Could you give me your hire  
7 date?

8 A. June, 2001.

9 Q. And what was your last day at  
10 work?

11 A. June 16th, 2006.

12 Q. Okay. Were you discharged from  
13 this job?

14 A. Yes, ma'am.

15 Q. Okay. Who terminated you, Ms.  
16 Parrish?

17 A. Maryann Boyer.

18 Q. I'm sorry; I can't hardly  
19 understand you.

20 A. Maryann Boyer.

21 Q. And what was her title? What is  
22 her title?

23 A. CEO.

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1 Q. And why did she terminate you?

2 A. I had no other choice but to be  
3 discharged.

4 Q. Then what -- tell me what did  
5 she tell you when she told you were dis-  
6 -- you were fired? What reason did she  
7 give?

8 A. There was no action taken  
9 against Frank Williams; he would  
10 continue to work there.

11 Q. Okay. No, ma'am. I asked you  
12 what reason did she give you? You said  
13 -- you said you were fired by the CEO,  
14 and what reason did she give you for  
15 terminating you?

16 A. I felt like I was forced to  
17 leave --

18 Q. No, you said you were  
19 terminated, and I need you to tell me  
20 what did she say when she told you you  
21 were fired? What reason did she say?

22 A. I said I was constructively  
23 terminated, which meant I felt unsafe to

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1 work there. I had no other choice but  
2 to leave.

3 Q. Okay. Well, you first -- I  
4 first understood you to say you were  
5 fired by -- I don't recall the lady's  
6 name but you said the CEO. So you're  
7 saying now that you were constructively  
8 terminated?

9 A. Yes, ma'am.

10 Q. Okay. What does that mean?  
11 What do you mean by that?

12 A. I felt unsafe to work with a  
13 registered sex offender that had already  
14 threatened me.

15 Q. Okay. What did -- who is -- who  
16 are you speaking of, Ms. Parrish?

17 A. Frank Williams.

18 Q. Okay. How did he threaten you?

19 A. He cussed me out, he physically  
20 thrown things at me.

21 Q. When did that happen?

22 A. On June 14th.

23 Q. Okay. What -- you say Mr.

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1 Williams cursed you out and he threw  
2 something at you. What did he throw at  
3 you?

4 A. He threw pallets and a large  
5 garage bag full of cans.

6 Q. Did he throw it at you or in  
7 your direction?

8 A. In my direction.

9 Q. Okay. So what did he say to you  
10 when he threw it in your direction?

11 A. He called me a God damn  
12 motherfucker.

13 Q. Were you and him having a  
14 disagreement?

15 A. I asked him to help with rework,  
16 and he proceeded to call me a God damn  
17 motherfucker.

18 Q. Okay. Who was your supervisor?

19 A. Chris Jordan.

20 Q. And did you report this to your  
21 supervisor?

22 A. Yes, ma'am.

23 Q. When did you report it?

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1 A. Immediately. As -- I tried for  
2 10 to 15 minutes to get a hold of a  
3 supervisor through a mechanic radio.

4 Q. Okay. Did you have -- this was  
5 the first time you had a disagreement  
6 with Mr. Williams?

7 A. No, ma'am.

8 Q. Okay. Had you made a formal  
9 complaint or report that you were having  
10 difficulty working with him?

11 A. Yes, ma'am.

12 Q. Well, what authority, if any,  
13 did Mr. Williams have over you?

14 A. He was my team leader.

15 Q. Okay. And where did you get the  
16 information that he was a registered sex  
17 offender?

18 A. He freely spoke about it.

19 Q. I mean, do you have firsthand  
20 knowledge that that is correct?

21 A. Yes, ma'am.

22 Q. Okay. Where did you get it  
23 from?



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1           A.    Off of the public safety  
2           information center of Alabama.

3           Q.    Okay.  So how did that affect  
4           you in working with him?

5           A.    He was sexually harassing me.

6           Q.    Okay.  How did he do that?

7           A.    He continuously cussed me; he  
8           continuously talked about his past.

9           Q.    And who did you say you reported  
10          all of this to?

11          A.    I reported it to Chris Jordan,  
12          Melvin Hutchins.  I wrote out statements  
13          and turned in to the PR department.

14          Q.    And what -- when did you do  
15          that, Ms. Parrish?

16          A.    When the incident happened and  
17          before the incident happened, probably a  
18          month before.

19          Q.    I mean, what did you report  
20          before the incident happened?

21          A.    That he was harassing me.

22          Q.    Well, that is the incident, is  
23          it not?

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1 A. This is a continuous incident.

2 Q. Well, did you get a response  
3 from your employer about your complaint?

4 A. No. The first -- the first time  
5 they said we would just have to work  
6 together.

7 Q. What was your first complaint?

8 A. When I was called in there I was  
9 reprimanded -- reprimanded for saying  
10 that he was a convicted sex offender.

11 Q. Okay. Did you have a  
12 documentation of that complaint or that  
13 allegation?

14 A. No, ma'am. They said they  
15 pulled it up.

16 Q. Well, did you have any  
17 documentation to substantiate your  
18 allegations against Mr. Williams?

19 A. Yes, ma'am.

20 Q. And what -- where did you get  
21 your information from?

22 A. From the computer.

23 Q. Okay. So you have a copy of it?

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1 A. Yes, ma'am.

2 Q. Okay. So what did that have to  
3 do with him working with you?

4 A. He continuously put down  
5 females.

6 Q. But how did that keep you from  
7 being able to work with him?

8 A. Because I -- I was called a God  
9 damn motherfucker every day.

10 Q. Well, did he call you that, or  
11 did he use that terminology?

12 A. He called me that.

13 Q. He did that to your face  
14 directly; is that correct?

15 A. Yes, ma'am.

16 Q. And what reason did he call you  
17 a name?

18 A. Because I was a female.

19 Q. So he would come directly to  
20 your face and use the derogatory term to  
21 you?

22 A. Yes, ma'am.

23 Q. Okay. Does your company have a

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1 policy against harassment and behavior  
2 of that nature? Ms. Parrish?

3 A. Ma'am?

4 Q. Does your company have a written  
5 policy against workplace violence and  
6 harassment?

7 A. Yes, ma'am.

8 Q. Okay. Did you follow the  
9 procedure in filing the complaint per  
10 your handbook?

11 A. I was told to report it, and  
12 that's what I did.

13 Q. I said, did you follow the  
14 procedure in the handbook?

15 A. I don't have a written procedure  
16 in a handbook.

17 Q. Did you not get a copy of an  
18 employee handbook?

19 A. Yes, ma'am.

20 Q. What happened to your copy?

21 A. I have my copy.

22 Q. Okay. I asked you, did you  
23 follow the procedure from your handbook?

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1 A. Yes, ma'am, and that was to  
2 report it to my supervisor.

3 Q. Okay. So did you make a written  
4 report that you had been sexually  
5 harassed by Mr. Williams?

6 A. Yes, ma'am.

7 Q. Do you have a copy of that  
8 complaint?

9 A. Ma'am? Hello?

10 Q. Do you have a copy of that  
11 complaint, Ms. Parrish?

12 A. No, ma'am.

13 Q. Okay. Do you have a copy of any  
14 of your complaints to the employer?

15 A. Yes, ma'am.

16 Q. Okay. What's the date on the  
17 one you have?

18 A. I don't have it with me.

19 Q. Okay. What --

20 A. I wrote it and gave it to them  
21 on June 14th.

22 Q. Okay. That was the only  
23 complaint you have?



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1 A. No, ma'am.

2 Q. I mean a written complaint. Is  
3 that the only one you made?

4 A. No, ma'am.

5 Q. Okay. Do you have copies of any  
6 of them?

7 A. Not with me.

8 Q. Okay. What happened when you  
9 made your complaint to Flavor House?  
10 What happened with the complaint?

11 A. Well, our handbook, number one,  
12 does not say that we have to have a  
13 written complaint.

14 Q. What I'm asking you, what  
15 happened when you made your complaint?  
16 You told me you made written complaints,  
17 so did you make verbal complaints also?

18 A. Yes, ma'am.

19 Q. Okay. What happened with your  
20 verbal and written complaints? What  
21 action was taken by the employer?

22 A. None.

23 Q. There was --

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1 A. I was moved.

2 Q. Okay. They moved you to another  
3 area?

4 A. Twenty feet away.

5 Q. Okay. Did you have to work with  
6 Mr. Williams then?

7 A. Yes, ma'am.

8 Q. They moved you but you still  
9 worked with him; is that what you're  
10 saying?

11 A. Yes, ma'am.

12 Q. Okay. You say he was a lead  
13 person working with you?

14 A. Yes, ma'am.

15 Q. Okay. Did you -- was there  
16 anywhere else that you -- they could  
17 move you to?

18 A. No, ma'am. I run -- yes, there  
19 was. I run label machines, and he was  
20 the relief person for them label  
21 operators when they go on break.

22 Q. When you reported the  
23 threatening behavior, alleged

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1 threatening behavior you felt from Mr.  
2 Williams, did your employer tell you  
3 they had taken some type of action in  
4 regard to your complaint?

5 A. No, ma'am.

6 Q. What did they tell you? How did  
7 they resolve this problem?

8 A. That I would have to get over  
9 it.

10 Q. Okay. So Mr. Williams used  
11 profanity in your presence, and you felt  
12 that he disliked women; is that correct?

13 A. Yes, ma'am. And throwing  
14 things.

15 Q. Okay. What happened when you  
16 felt you could no longer --

17 A. Ma'am?

18 Q. When you felt you could no  
19 longer work with Mr. Williams, what did  
20 you do?

21 A. Left.

22 Q. Did you give a formal notice of  
23 resignation?

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1           A.    I asked them to remove him when  
2           he continued working there and they told  
3           me yes.

4           Q.    I said, did you give a notice of  
5           resignation?

6           A.    I'm able and willing to come  
7           back to work when he leaves.

8           Q.    Did you give a notice of  
9           resignation?

10          A.    I told them I could no longer  
11          work there as long as he works there.

12          Q.    Did you give a two-week notice?

13          A.    No, ma'am.

14          Q.    Okay. So you -- who did you --

15          A.    I was not allowed that  
16          opportunity.

17          Q.    Okay. How did they stop you  
18          from giving a two-week notice?

19          A.    They continued to keep Frank  
20          Williams there. It was to the point  
21          where I had a screwdriver in my back  
22          pocket.

23          Q.    Okay. Did you file any charges

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1 with him with the police department?

2 A. No, ma'am. I wish I would have  
3 but at that -- that -- you're -- we  
4 cannot get out on the phones that are at  
5 the plant.

6 Q. Well, when you got off work,  
7 could you have filed charges then?

8 A. No, ma'am. I was so upset, I  
9 wasn't thinking.

10 Q. Okay. So you voluntarily quit  
11 on June 16th; is that the day you  
12 terminated your employment?

13 A. I did not voluntarily quit; I  
14 was forced to quit.

15 Q. Okay. You were -- you felt  
16 forced to quit on 6/16/06; is that  
17 correct?

18 A. Yes, ma'am.

19 Q. Okay. If one of you has a cell  
20 phone, would you mind turning it off so  
21 it won't interrupt the hearing?

22 A. Yes, ma'am, we have that.

23 Q. Okay. And you say you felt



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1 forced to quit on June 16, '06, because  
2 Mr. Frank Williams who was your lead  
3 person, you had to continue to work with  
4 him and he made derogatory remarks  
5 toward you and he threw things in your  
6 direction; is that correct?

7 A. Yes, ma'am.

8 Q. And, also, did you say the  
9 employer, after you reported this to the  
10 employer, you felt that they did not  
11 resolve the problem and you could not  
12 continue to work with him; is that  
13 correct?

14 A. Yes, ma'am.

15 Q. Were you the only person working  
16 with Mr. Williams?

17 A. No, ma'am.

18 Q. Were you the only female working  
19 with him?

20 A. No, ma'am, but I understand that  
21 he's had more write-ups after me.

22 Q. I said, were you the only female  
23 that worked with him?

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1 A. No, ma'am.

2 Q. Did anyone else -- did you --  
3 did they experience, as far as you know,  
4 the same problem at that time?

5 A. Yes, ma'am, and since I've been  
6 gone also.

7 Q. Okay. How do you know what  
8 happened after you left the business?

9 A. I worked with -- at Flavor House  
10 for five years.

11 Q. I said, how would you know what  
12 happened after you left the business?

13 A. I have friends at Flavor House.

14 Q. Well, this is your firsthand  
15 direct knowledge; not -- not what, you  
16 know, someone told you. I was asking  
17 for your knowledge of what happened.

18 A. Okay.

19 Q. Okay. So your -- you volun- --  
20 you say you were constructively  
21 terminated because you felt you worked  
22 in an unsafe work environment because of  
23 Mr. Frank Williams, and on June 14th you

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1       made a formal complaint on him and you  
2       felt that this complaint was not  
3       resolved to your satisfaction and you  
4       could not work with him because of  
5       information you received about his past  
6       and you felt threatened because he used  
7       profanity and threw things. So on June  
8       16th, '06, you felt forced to leave your  
9       job; is that correct?

10       A.    Yes, ma'am, and he continuously  
11       talked about his conviction as being a  
12       sex offender.

13       Q.    Was he speaking to you, Ms.  
14       Parrish?

15       A.    Yes, ma'am.

16       Q.    Were you involved in a  
17       conversation with him?

18       A.    Yes, ma'am -- no. He spoke of  
19       his conviction freely out loud in the  
20       break room to me, to anyone.

21       Q.    Okay. So could you not get up  
22       and leave that conversation?

23       A.    Not if I'm at my machine I

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1 cannot leave.

2 Q. Okay. Anything else, Ms.  
3 Parrish, you want to add to the reason  
4 you felt constructively terminated?

5 A. Yes, ma'am. I would not have  
6 quit my job if I did not feel unsafe. I  
7 have stayed there for five years. I've  
8 tolerated discrimination throughout  
9 those five years, including being hit in  
10 the chest with a jar of peanuts.

11 Q. Okay. Ms. -- Ms. Parrish, we're  
12 asking about your termination, your  
13 separation. So did all that happen when  
14 you were separated? Were you hit with  
15 peanuts, a jar of peanuts?

16 A. No, ma'am, it led up to it, the  
17 discrimination.

18 Q. Okay. Did you file an EEOC  
19 discrimination charge?

20 A. I'm going to.

21 Q. Okay. But as far as this final  
22 incident that led to your separation  
23 from the company, it involved working

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1 with Mr. Frank Williams and you felt you  
2 were in an unsafe work environment and  
3 could not continue; is that correct?

4 A. Yes, ma'am, and I would also  
5 like to note that the position that  
6 Frank Williams is in, he freely walks  
7 around the plant; so, therefore, moving  
8 me anywhere did not accomplish anything.

9 Q. Okay. So you wanted them to  
10 terminate him or to --

11 A. Yes, ma'am.

12 Q. You wanted the company to  
13 terminate Mr. Williams?

14 A. Yes, ma'am. He -- he freely  
15 walks around the plant.

16 Q. Was that not part of his job?

17 A. No, ma'am, unless he's relieving  
18 for break.

19 Q. Okay. Okay. Ms. Parrish,  
20 anything else?

21 A. No, ma'am.

22 MS. COOK: Okay. Mr. Taylor, do  
23 you have any questions for Ms. Parrish?



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1 MR. TAYLOR: Yes, ma'am, I do.

2 Thank you.

3

4 EXAMINATION OF MS. PARRISH BY

5 MR. TAYLOR:

6 Q. Ms. Parrish, you've testified

7 that you were discriminated against.

8 How were you discriminated against?

9 A. I was talked down to. I was

10 called names. In one incident I was

11 even told this is a man's job. And the

12 CEO had told me that just to put up with

13 it; that she also has to deal with it in

14 meetings that she has.

15 MS. COOK: Okay. Any other

16 questions, Mr. Taylor?

17 MR. TAYLOR: Yes, ma'am.

18 Q. (BY MR. TAYLOR:) Mr. Parr -- or

19 Ms. Parrish, you testified that Mr.

20 Williams was harassing you because you

21 were a female. Mr. -- did Mr. Williams

22 tell you that?

23 A. Mr. Williams would not have

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1       talked to a man that way.

2           Q.     How do you know that?

3           A.     Because I worked with him.

4           Q.     So you base this testimony on  
5       your assumption that he was harassing  
6       you because you were a female?

7           A.     Yes.

8           Q.     You said he used profanity when  
9       he spoke to you. Were you using  
10      profanity in the workplace?

11          A.     Yes.

12          Q.     Why is your profanity acceptable  
13      and his is not?

14          A.     I have never called anybody a  
15      God damn motherfucker.

16          Q.     The choice of the words that he  
17      used made it more egregious than your  
18      use of profanity?

19          A.     Oh, no. Maybe the choice of him  
20      having a fit, throwing things, and his  
21      uncontrollable actions.

22          Q.     Well, ma'am, you testified that  
23      he threw things. He threw them at you?

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1 A. In my direction.

2 Q. So he was trying to hit you?

3 A. That would be a question for  
4 him.

5 Q. Do you believe he was trying to  
6 hit you?

7 A. Yes.

8 Q. So, ultimately, that's why you  
9 felt threatened; because he was throwing  
10 things, trying to hit you?

11 A. Yes. And prior to this  
12 incident, he had told somebody that he  
13 would get me back.

14 Q. How do you know that?

15 A. Because the person, he told me  
16 that -- told that to told me. If you'll  
17 look right there in my file --

18 Q. Well, ma'am, how do you know  
19 that person was telling the truth?

20 A. See my complaint and talk with  
21 that person.

22 Q. So you testified you fired --  
23 filed a prior complaint, final

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1 complaint, on June 14. When did you  
2 file those complaints?

3 A. Which one?

4 Q. It talks about all the  
5 complaints you filed. When did you file  
6 your first complaint against --

7 MS. CROOK: That's irrelevant.  
8 I'm going to enter an objection at this  
9 point. This is all irrelevant. We  
10 couldn't get into her past complaints.

11 MS. COOK: Okay. Ms. -- hold on  
12 a second, Ms. -- I didn't get your last  
13 name. What's your last name?

14 MS. CROOK: Crook.

15 MS. COOK: Bobby what?

16 MS. CROOK: Crook.

17 MS. COOK: I can't understand  
18 you.

19 MS. CROOK: C-R-O-O-K.

20 MS. COOK: Okay. Did I not  
21 understand you to say you were not  
22 participating in the hearing, that you  
23 were just going to listen?

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1 MS. CROOK: I'm here to protect  
2 her interest in the case, so I am  
3 representing her in this.

4 MS. COOK: Okay. But you told  
5 me you were not participating. Now,  
6 it's okay if you want to be a  
7 representative in the hearing, but we  
8 have to have your identity and know  
9 whether you're participating. Are you  
10 participating?

11 MS. CROOK: At this point I  
12 guess I'm going to have to participate  
13 if he's going to go into all of her past  
14 complaints, which she wasn't allowed to  
15 go into.

16 MS. COOK: Okay. But you cannot  
17 be disruptive to the hearing, and if  
18 you're going to participate be  
19 nondisruptive and just -- you can --  
20 this is an informal hearing, it's not in  
21 court, so it's not the same. So --

22 MS. CROOK: I'm just --

23 MS. COOK: Go ahead, Mr. Taylor,



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1 with your questions.

2 MR. TAYLOR: Thank you.

3 Q. (BY MR. TAYLOR:) Ma'am, when  
4 did you file your first complaint?

5 A. I'm not answering that. I told  
6 you I did not have my copies with me.

7 Q. Well, ma'am, let's step away  
8 from it and go to that date. On or  
9 about when did you file your first  
10 complaint?

11 A. Two to three months prior.

12 Q. So about March?

13 A. This is on Frank. Then there  
14 was one the year before.

15 MS. COOK: Okay.

16 A. So I don't --

17 MS. COOK: Okay. Mr. -- Mr.  
18 Taylor, be more specific about these  
19 questions you're asking her.

20 MR. TAYLOR: Yes, ma'am.

21 Q. (BY MR. TAYLOR:) You filed your  
22 first complaint against Mr. Williams in  
23 March of '06?

## FREEDOM COURT REPORTING

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1 A. No.

2 Q. When did you file your first  
3 complaint about Mr. Williams?

4 A. '05 --

5 Q. The month?

6 A. That was not my first complaint  
7 on Frank. I filed the first of the year  
8 before. I've got several.

9 Q. Ma'am, isn't it true that in the  
10 end of '05, probably the last quarter,  
11 you had been working on a line, you got  
12 into an altercation with another  
13 employee?

14 A. Who might that be?

15 Q. Have you been in an altercation  
16 with another employee besides Mr.  
17 Williams? I'm sorry; I didn't hear your  
18 answer.

19 A. Are you talking about when a  
20 mechanic hit me with a jar?

21 Q. Ma'am, I'm not giving you any  
22 specifics. Have you had an altercation  
23 with another employee?

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1 A. I can't give you --

2 MS. COOK: Okay. Mr. Taylor --  
3 Mr. Taylor, that appears to be  
4 immaterial that -- what you're asking at  
5 this point. I don't understand why you  
6 want to know that.

7 MR. TAYLOR: Yes, ma'am. I'll  
8 move to my next question.

9 MS. COOK: Okay.

10 MR. TAYLOR: Thank you.

11 Q. (BY MR. TAYLOR:) Ms. Parrish,  
12 is it true that at the end of '05 you  
13 were moved to line three, the line  
14 supervised by Mr. Williams as the team  
15 lead?

16 A. Yes.

17 Q. That move to that line was a  
18 result of an altercation with another  
19 employee?

20 A. No.

21 Q. You were moved off the line that  
22 Mr. Williams supervised as a result of  
23 this final altercation; is that true?

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1 A. Under investigation.

2 Q. And isn't it true that the  
3 employer addressed your concerns by  
4 moving you from his supervision?

5 A. No.

6 Q. So he was supervising the line  
7 you were now working on or going to be  
8 working on?

9 A. He could, yes.

10 Q. There was a team lead assigned  
11 to the line that you were going to be  
12 working on?

13 A. Frank Williams is put where they  
14 need him.

15 MS. COOK: Ms. Parrish, could  
16 you -- did you understand his question?

17 MS. PARRISH: Yes, ma'am.

18 MS. COOK: Okay. Could you  
19 respond to his question, please?

20 MS. PARRISH: Frank Williams  
21 goes in that plant --

22 MS. COOK: That's not what he  
23 asked you, Ms. Parrish. Would you

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1 restate your question?

2 MS. PARRISH: The team leader on  
3 line three --

4 MS. COOK: Would you restate  
5 your question, Mr. Taylor?

6 MR. TAYLOR: Thank you.

7 Q. (BY MR. TAYLOR:) And the line,  
8 ma'am, that you were working on, is  
9 there a team leader assigned to that  
10 line?

11 A. No.

12 Q. So, in fact, Mr. Williams would  
13 not be your supervisor on that line  
14 because there is no team leader on that  
15 line; is that correct?

16 A. Yes.

17 MR. TAYLOR: I don't have any  
18 further questions. Thank you.

19 MS. COOK: So, Mr. Mance, do you  
20 have any questions?

21 MR. MANCE: I have no questions.

22 MS. COOK: Okay. And, Ms.

23 Crook, since I did not know you were



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1 going to represent Ms. Parrish in this  
2 hearing until a few minutes ago, I  
3 didn't put you in the line to ask  
4 questions because I was unaware. Do you  
5 have any questions now?

6 MS. CROOK: No, ma'am.

7 MS. COOK: Pardon me?

8 MS. CROOK: No, ma'am.

9 MS. COOK: Okay. Mr. -- Mr.  
10 Mance, do you have any -- well, let me  
11 ask you a few questions, Mr. Mance.

12

13 EXAMINATION OF MR. MANCE BY MS. COOK:

14 Q. Ms. Parrish said that she worked  
15 for Flavor House for five years; her  
16 hire date was June of 2001. Can you  
17 give me a specific date?

18 A. Yes, ma'am. June 25th, 2001.

19 Q. And her -- when she retired,  
20 what was her job title?

21 A. She was hired in as a laborer  
22 position. She had several changes while  
23 employed.

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1 Q. Okay.

2 A. Most recent title was a label  
3 operator.

4 Q. Okay. And what is the very last  
5 day Ms. Parrish worked for your company?

6 A. That would have been 6/16; she  
7 came in and turned out actually worked  
8 that day. She came in that morning,  
9 spoke with Maryann Boyer, our director  
10 of operations, and spoke with myself.

11 Q. And spoke to you about what?

12 A. About her concerns with the  
13 investigation and working on the line  
14 with Frank Williams.

15 Q. Why is she no longer employed  
16 with -- what -- does your company have  
17 another name at this time?

18 A. Nutcracker Brands.

19 Q. Okay.

20 A. And then --

21 Q. Okay. Why was Ms. -- what is  
22 the reason Ms. Linda Parrish no longer  
23 works for your company?

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1 A. She voluntarily resigned on the  
2 21st of June.

3 Q. Okay. You -- your statement is  
4 that she came in on June 16th, which was  
5 on a Friday, and she spoke to you and  
6 who is the other person?

7 A. Maryann Boyer, our director of  
8 operations.

9 Q. Okay. And what was the nature  
10 of the conversation?

11 A. The investigation concerning  
12 herself and Frank; the altercation they  
13 had had on the 14th.

14 Q. Okay. Why did Ms. Parrish not  
15 work on Friday, June 16th?

16 A. She felt she was too upset to  
17 work. We offered her the opportunity to  
18 go home and think about it over the  
19 weekend. We expected her to be back at  
20 work on Monday. She voluntarily left on  
21 Friday but she could not work -- we gave  
22 her the rest of that day off and  
23 expected her back to work on Monday.

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1 Q. And what was Mr. -- what was Mr.  
2 Williams's job title or position over  
3 Ms. Parrish?

4 A. Mr. Frank Williams is our team  
5 leader on line three.

6 Q. Okay. Had you received  
7 complaints from Ms. Parrish about  
8 working with Mr. Williams?

9 A. Not complaints. There has been  
10 altercations previously mentioned, March  
11 the --

12 Q. Are you -- what -- okay. You  
13 say you had not received any complaints  
14 from Ms. Parrish?

15 A. Not complaints about working  
16 with him, no. There had been  
17 altercations between the two individuals  
18 previously.

19 Q. Okay. But her statement I  
20 understood earlier was that she had  
21 filed verbal complaints about him. So  
22 are you --

23 A. No, ma'am.

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1 Q. You're not characterizing them  
2 as formal complaints?

3 A. No, ma'am, it's not formal  
4 complaints. It's documentation about  
5 comments that were made between the two  
6 of them or among the two among other  
7 employees that were investigated. And  
8 Ms. Parrish did receive a disciplinary  
9 action concerning her involvement in the  
10 comments on March -- February 16th.

11 Q. Okay.

12 A. And March 7th.

13 Q. So were they altercations or --  
14 or verbal conflicts between --

15 A. Verbal conflicts, yes, ma'am.

16 Q. Okay. Between Ms. Parrish and  
17 Mr. Williams there were verbal conflicts  
18 and alter- -- verbal --  
19 (Side A of tape ends.)

20 MS. COOK: Okay. We're back on  
21 the record. We went off the record  
22 momentarily; I ran out of tape. But do  
23 you both agree that when I stopped and



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1 changed my tape, that no testimony took  
2 place when I asked Mr. Mance to hold on  
3 a second?

4 MR. MANCE: I agree.

5 Q. (BY MS. COOK:) Okay. Okay.  
6 You said there was no formal complaints,  
7 but there were allegations and verbal  
8 conflicts with Ms. -- between Ms.  
9 Parrish and Mr. Williams?

10 A. Yes, ma'am. She had made  
11 comments, inflammatory nature, about his  
12 past and about him in the work force.  
13 After investigating that we come to the  
14 conclusion that she had made the  
15 comments of an inflammatory nature, and  
16 she did receive a disciplinary action  
17 for the comment.

18 Q. Okay. What did Ms. -- when you  
19 investigated Ms. Parrish, what did she  
20 say about those inflammatory comments  
21 she made about Mr. Williams?

22 A. She was -- let's see. Let me  
23 read her statement here. She said

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1 another employee had came to her telling  
2 her the information about Frank. Again,  
3 she did repeat that information to other  
4 employees.

5 Q. Okay.

6 A. Information --

7 Q. Did she complain that he had  
8 called her a derogatory name?

9 A. Not at this time, no. This is a  
10 previous altercation.

11 Q. Okay. But in the final  
12 investigation, did Ms. Parrish make a  
13 formal complaint against Mr. Williams?

14 A. Let's see. She did make the  
15 statement that he was cursing, yelling  
16 at -- yelling at her, calling her MF --  
17 GDMF. Those were her -- that is in her  
18 statement.

19 Q. Okay. Did you get any other  
20 employees to come -- who came forward  
21 that witnessed come -- the -- Mr.  
22 Williams making those derogatory  
23 comments to Ms. Parrish?

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1           A.    Yes, ma'am. We had other  
2 employees involved in the investigation.

3           Q.    Okay. Did they witness -- did  
4 they hear him calling her names?

5           A.    They heard yelling; they did not  
6 hear specific cursing at her.

7           Q.    Okay. So the witnesses said  
8 they did hear yelling but did not say  
9 specifically that Mr. Williams called  
10 Ms. Parrish names?

11          A.    Yes, ma'am, that's correct.

12          Q.    Okay. Did any witnesses witness  
13 Mr. Williams throwing things in Ms.  
14 Parrish's direction?

15          A.    No, ma'am.

16          Q.    Did you move Ms. Parrish to  
17 another area so she would not be under  
18 his direct supervision?

19          A.    Yes, ma'am.

20          Q.    And where -- where did you move  
21 her to?

22          A.    Moved her to line five label  
23 operator. She retained the same pay,

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1 same position, just in a different line  
2 away from Mr. Williams so that there  
3 would not be any future altercation.

4 Q. Now, when -- when did that move  
5 take place?

6 A. The move would have taken place  
7 on that Friday that was the termination  
8 that we had given her; she felt she  
9 could not work and decided to go home  
10 that day on the 16th.

11 Q. So the move would have take --  
12 took place on June 16th, but she did not  
13 work?

14 A. Exactly.

15 Q. Okay.

16 A. She -- to my knowledge, she  
17 actually worked in a different position  
18 on the 15th after the altercation  
19 happened on the 14th. So she was not  
20 working with Frank on the 15th. The day  
21 she did work, on the 16th when she came  
22 in, she did not report to work on the  
23 line; she stayed in the office

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1 discussing it with myself and Maryann  
2 Boyer and left from there to go home.

3 Q. Did she -- did Ms. Parrish tell  
4 you she was not returning the next  
5 workday?

6 A. She attempted to turn her badge  
7 in; we asked her to take the weekend to  
8 think about it. We did not want her to  
9 resign at that point. We wanted her to  
10 have a chance to understand our  
11 investigation process, what we had done.  
12 We did not want her to resign on that  
13 Friday. We'd offered her the  
14 opportunity to think about it over the  
15 weekend. She called in Monday stating  
16 she was sick. She called in again on  
17 Tuesday stating she was sick following  
18 our call-in procedure. Wednesday she  
19 called in and resigned.

20 Q. Okay. Okay. So after Ms.  
21 Parrish did report the conflict she had  
22 with Mr. Williams you attempted to  
23 resolve the problem by moving her to



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1 another position, same pay, with no loss  
2 in benefits, but she did not report to  
3 that position; is that correct?

4 A. That is correct.

5 Q. Okay. And in that new position  
6 she would not have been under his  
7 supervision? Under Mr. Williams's  
8 supervision?

9 A. That is correct.

10 Q. Did Ms. Parrish tell you that  
11 she wanted Mr. Williams to be terminated  
12 from the job completely so she would  
13 have no --

14 A. She did --

15 Q. Pardon me?

16 A. She did make that statement.  
17 She did make that statement, yes, ma'am.

18 Q. Okay. Was there any reason you  
19 needed to terminate him?

20 A. No, ma'am. We disciplined both  
21 employees equally, as well as she would  
22 have received disciplinary action had  
23 she returned to work that Monday. Mr.

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1 Williams did receive a disciplinary  
2 action and then we separated the two.  
3 We only have one team lead in the plant  
4 that's on line three. It was not  
5 feasible to move Frank to another  
6 position, so we gave Linda one  
7 additional chance after being moved from  
8 line one initially in September to line  
9 five due to similar altercations with  
10 employees - other employees, not Frank.  
11 We gave her the opportunity this time to  
12 move to line -- I'm sorry, from line  
13 three to line five in order to hopefully  
14 alleviate those issues with employee  
15 conflict.

16 Q. Okay. All right. Your  
17 handbook, your manual. Do you have an  
18 employee handbook that you gave Ms.  
19 Parrish?

20 A. Yes, ma'am.

21 Q. And does it have any section in  
22 there that explains how to -- the action  
23 to take to resolve conflicts with

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1 employees, coworkers?

2 A. Yes, ma'am, we have a workplace  
3 harassment policy.

4 Q. Okay. And did Ms. Parrish  
5 follow that policy?

6 A. Yes, ma'am, she did. She did  
7 fill out the paperwork for a  
8 documentation about the conflict itself.

9 Q. Okay. And in your  
10 investigation, did you say that you  
11 found some merit to the allegation and  
12 you did attempt to resolve the conflict  
13 by moving Ms. Parrish to the other  
14 position, which she did not report to?

15 A. Yes, ma'am. We felt both were  
16 equally involved in the altercation,  
17 both arguing, both employees argued,  
18 both were involved equally, so they were  
19 disciplined equally as well as separated  
20 so that there would not be any future  
21 altercations hopefully.

22 Q. Did you find Ms. Parrish's  
23 safety to be in jeopardy in any way?

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1 A. No, ma'am.

2 Q. Okay. Is it correct you said  
3 you found that she had been harassed or  
4 that there was some type of personal  
5 conflict between the two of them?

6 A. I did not determine any  
7 harassment to be taking place. I did  
8 determine the conflict between the two  
9 in the form of an argument,  
10 disagreement, had taken place.

11 Q. Okay. All right. And was there  
12 a worker there before Ms. Parrish when  
13 she stopped reporting to work?

14 A. Yes, ma'am.

15 Q. On the third day when Ms.  
16 Parrish did not report to work, did I  
17 understand you to say she called in to  
18 say she had -- did she say she had quit?

19 A. Yes, ma'am, she called in and  
20 resigned.

21 Q. Okay. Did she put it in  
22 writing, or was it verbal?

23 A. Verbal in our call-in line.

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1 Q. Okay. That was -- that would be  
2 Wednesday, June the 14th?

3 A. 21st.

4 Q. The 21st; I'm sorry.

5 A. 21st, yes, ma'am.

6 Q. Okay. Okay. Mr. Mance, is  
7 there anything additional you want to  
8 add to the information regarding the  
9 separation?

10 A. No, ma'am.

11 MS. COOK: Okay. Mr. Taylor, do  
12 you have any questions for Mr. Mance?

13 MR. TAYLOR: Yes, ma'am, I do.  
14 Thank you.

15

16 EXAMINATION OF MR. MANCE BY MR. TAYLOR:

17 Q. Mr. Mance, when was the claimant  
18 moved from line one to line three?

19 A. That would have been in  
20 September, 2005.

21 Q. What was the reason for that  
22 move?

23 A. Altercations with other



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1 employees, just general conflict on the  
2 line.

3 Q. How many altercations took  
4 place?

5 A. One final altercation led to the  
6 separation of the two. Previous to  
7 that, just general argument, conflict.

8 Q. How many women work on Mr.  
9 Williams's line?

10 A. I know it would be five.

11 Q. How many complaints regarding  
12 harassment or inappropriate behavior  
13 have you received from those ladies?

14 A. None.

15 Q. How many altercations with other  
16 employees has Mr. Williams been involved  
17 in?

18 A. Mr. Williams has one additional  
19 argument with another employee that did  
20 result in a disciplinary action between  
21 those two employees.

22 Q. Did the claimant make any  
23 allegation that Mr. Williams was trying

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1 to strike her by throwing objects at  
2 her?

3 A. She did make the statement that  
4 -- just a moment; let me look at her  
5 statement here. No, ma'am, I do not see  
6 -- no, sir, I do not see anything in her  
7 statement stating that he threw objects  
8 at her; just a verbal altercation. In  
9 her original statement she completed on  
10 6/14, the alteration happened.

11 MR. TAYLOR: Thank you. I don't  
12 have any further questions for --

13 MS. COOK: Okay. Ms. Crook, do  
14 you have any questions for Mr. Mance?

15 MS. CROOK: Yes, ma'am, I do.  
16

17 EXAMINATION OF MR. MANCE BY MS. CROOK:

18 Q. The altercation that resulted in  
19 her being moved in September, according  
20 to your testimony -- well, I take that  
21 back. I don't want to get to that yet.

22 You said that she had complained  
23 about Frank Williams once before, and

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1 when she did she was written up and he  
2 was written up; is that correct?

3 A. No, ma'am, she had not  
4 complained about Frank. There was an  
5 altercation about inflammatory comments  
6 that had been made. Investigating that,  
7 we had statements from all employees  
8 involved in those inflammatory comments  
9 about Frank. It was one of the  
10 employees involved. There was not a  
11 complaint made about any type of  
12 harassing or anything. It was an issue  
13 of conflict, again, between employees;  
14 no official complaint that Frank had  
15 said anything or done anything to Linda.

16 Q. Isn't that when she came in and  
17 told you guys that he had threatened her  
18 and that she was afraid; the first time,  
19 during that complaint she made to you,  
20 he is a registered sex offender and I'm  
21 afraid?

22 A. That was not her statement, no,  
23 ma'am. Her statement -- that's not a

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1 proper statement.

2 Q. That's not part of her statement  
3 that when she first came in and talked  
4 to you and she was written up for saying  
5 he was a registered sex offender?

6 A. No, ma'am. On February 16th,  
7 I'll be happy to read her statement for  
8 you.

9 Q. Okay.

10 A. At approximately 10:50 employee  
11 came to me stating that Frank Williams  
12 had come to them this a.m. stating that  
13 I had been telling people that Frank  
14 Williams is a child molester.  
15 Immediately I met with Melvin Hutchins,  
16 Chris Jordan with this matter. This is  
17 after a previous meeting with Melvin  
18 Hutchins on the topic of many concerns  
19 with Frank in line three work  
20 situations.

21 That's her statement on February  
22 16th concerning the issue of  
23 inflammatory comments made by Linda.

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1 Q. So she came in and said to you  
2 that he was upset because she had told  
3 somebody he was a registered sex  
4 offender? He didn't come in and  
5 complain about that, correct?

6 A. I do have his statement as well.

7 Q. Who came in and talked to you  
8 about it first is what I'm asking you?

9 A. When the supervisor brought this  
10 to my attention after Linda had spoken  
11 with Melvin Hutchins and Chris Jordan,  
12 according to the statement here.

13 Q. And you didn't consider this a  
14 complaint by Linda?

15 A. No, ma'am.

16 Q. Exactly how far is line five  
17 from line three where she was working?

18 A. It's separated; just an open  
19 area within the plant, 20 feet, 30 feet.

20 Q. So when you say she wouldn't be  
21 working with Frank Williams, that's not  
22 true. She would still be working with  
23 him?



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1           A.    No, ma'am, the lines -- the  
2           lines are situated in a -- in a fashion  
3           that -- that they do not involve each  
4           over. Each line is separate.

5           Q.    Is it true that Frank is  
6           supposed to fill in on lines when people  
7           go to break?

8           A.    No, ma'am. He does fill in some  
9           breaks within his line as a floater on  
10          line three.

11          Q.    So he would never ever go to  
12          line five or line one?

13          A.    It -- it could be possible but  
14          not -- not standard, no.

15          Q.    Then when she came in to  
16          complain again that he was cursing at  
17          her, calling her names and throwing  
18          things, she, again, was going to be  
19          written up; is that correct?

20          A.    Yes, ma'am, she was involved in  
21          that altercation as well.

22          Q.    In your sexual harassment policy  
23          in your handbook, is there any

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1 protection against people who are  
2 complaining of sexual harassment?

3 A. Yes, ma'am.

4 Q. What is that protection?

5 A. There's no retaliation allowed  
6 for any harassment complaint.

7 Q. Okay.

8 A. And, again, realize no -- no  
9 complaint has been formally made at this  
10 point; it's been altercations and  
11 conflicts.

12 Q. Isn't that a matter of  
13 interpretation?

14 A. During the investigation it was  
15 found that Linda was equally involved in  
16 the conflict with other employees. In  
17 several instances she was the instigator  
18 in those conflicts.

19 Q. The incident that happened on  
20 June -- yeah, June 14th, who were the  
21 witnesses that you talked to?

22 MS. COOK: That's not necessary,  
23 Ms. Crook. We don't need those names.

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1 Q. Well, did Linda give you any  
2 names of witnesses she wanted you to  
3 talk to?

4 A. I did the investigation and  
5 talked with all witnesses presented.

6 Q. Did Linda give you the names of  
7 witnesses that she wanted you to talk  
8 to?

9 A. Let's see. She did write down  
10 names of witnesses on her statement,  
11 yes.

12 Q. And you did talk to all the  
13 people whose names she gave you?

14 A. Yes, ma'am, I have their  
15 statements as well.

16 Q. And were you mistaken when you  
17 said that she called the call-in line  
18 that she wouldn't be coming back to  
19 work?

20 A. No, ma'am, she called in each  
21 day, Monday and Tuesday.

22 Q. I'm talking about on the 6 -- on  
23 the 20 -- I think it was 25th you said

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1 she called in and talked -- called the  
2 call-in line?

3 A. On the 21st she may have called  
4 Lee Allen Smith, called the call-in  
5 line. I'm not sure.

6 Q. If she called Lee, that would be  
7 personnel resources, correct?

8 A. That is human resources.  
9 Personnel resources is our temporary  
10 agency.

11 Q. Okay. Human resources. And  
12 when she called -- assuming that's who  
13 she called, did you ask her what Linda  
14 said to her?

15 A. I have here that Linda, a  
16 voluntary quit, no notice given.

17 Q. You have that from where?

18 A. Is what Lee Allen wrote on the  
19 employee status change for the  
20 termination.

21 Q. Did Linda tell you she was  
22 afraid to come back to work?

23 A. She made the statement on Friday

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1       when talking with myself and Maryann  
2       Boyer that she could not work in the --  
3       she could not work with Frank Williams.  
4       We informed her at that time that we  
5       were transferring her to a different  
6       line to hopefully alleviate the  
7       situation to separate that conflict. We  
8       did not find any fault with Frank as far  
9       as his ability to work in the plant.  
10      Hopefully received disciplinary equally.

11       Q.     Has he ever been written up for  
12      cursing at other people?

13             MS. COOK: That's not relevant,  
14      Ms. Crook, about the other person. This  
15      is only an employment hearing, and I'm  
16      just trying to determine whether or not  
17      there is good cause for separating from  
18      this employment.

19       Q.     (BY MS. CROOK:) Okay. Just a  
20      minute. Could you tell me what you were  
21      going to write Linda up for if she had  
22      come back to work?

23       A.     She would have been written up



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1 for, again, conflict on the line.

2 Causing conflict on the line.

3 Q. Did you not believe her when she  
4 told you she was asking for help and he  
5 just went off on her?

6 A. Could you clarify that for me?  
7 Asking for help meaning?

8 Q. Well, earlier she testified that  
9 she asked him to help her with some  
10 redos and he just started cursing at  
11 her, calling her names, and throwing  
12 things. Did you not believe her when  
13 she said that?

14 A. I believe there was an argument  
15 when she came back from break that she  
16 had, once again, instigated an argument  
17 because of rework left on the table.  
18 She was involved in yelling at Frank and  
19 asking him to stay and do his rework  
20 when he had been instructed by a  
21 supervisor to cover the break and then  
22 do additional duties beyond that  
23 covering of the break. And he actually

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1 informed Linda at the time that he would  
2 come back and do that rework once he had  
3 finished what the supervisor had told  
4 him to do.

5 Q. And that's what his statement  
6 was?

7 A. Yes, ma'am.

8 Q. Did he -- did you have witnesses  
9 that heard him say that to Linda?

10 A. I don't know if anyone -- I  
11 don't know if anyone was in earshot to  
12 hear the exact words.

13 Q. So it was his word against her  
14 word as to what was said; is that right?

15 A. We have witnesses; I asked them  
16 specifically what they said.

17 Q. You earlier testified that they  
18 couldn't hear what was being said; they  
19 just heard yelling.

20 A. Correct.

21 Q. Are you --

22 A. I'm looking through the notes  
23 now.

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1 Q. Okay.

2 A. Just an altercation, just  
3 yelling, yelling, could hear. Frank's  
4 statement was that he was concerned and  
5 the rework and he had been told by his  
6 supervisor to get out some trash and do  
7 some additional duties once he had  
8 finished covering the break.

9 Q. Whose statement are you reading  
10 now?

11 A. This would be from Frank  
12 Williams.

13 MS. CROOK: Okay. That's all I  
14 have.

15 MS. COOK: Okay. Mr. Mance, you  
16 brought Mr. Williams in to give  
17 testimony?

18 MR. MANCE: If necessary, yes,  
19 ma'am.

20 MS. COOK: I don't think I have  
21 any questions for Mr. Williams because  
22 this case is a case of whether or not  
23 Ms. Parrish voluntarily quit and her

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1 reasons if she voluntarily quit, and she  
2 stated she felt constructively  
3 terminated so I don't believe I have any  
4 questions for Mr. Williams. Any from  
5 you Mr. Taylor?

6 MR. TAYLOR: No, ma'am, we have  
7 no questions for Mr. Williams. Don't  
8 believe it's necessary for him to  
9 testify.

10 MS. COOK: Okay. Do you, Ms.  
11 Parrish? Do you have any questions for  
12 Mr. Williams?

13 MS. PARRISH: No, ma'am.

14 MS. COOK: Do you, Ms. Crook?

15 MS. CROOK: No, ma'am.

16 MS. COOK: So this hearing is  
17 adjourned. Is there -- is there  
18 anything else either party wants to say?

19 MR. TAYLOR: The employer has  
20 nothing further. Thank you.

21 MS. COOK: Okay.

22 MS. CROOK: No, ma'am.

23 MS. COOK: Well, thank you all

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1       -- thank you all for your time. I have  
2       tape recorded the testimony. We will  
3       use this tape later and make a decision  
4       on Mrs. Parrish's eligibility for  
5       unemployment benefits. Mail that  
6       decision to both of you as soon as  
7       possible; hopefully within the next two  
8       to three weeks. You have to right to  
9       appeal if you disagree. Thank you all  
10      and have a good day.

11                   MS. CROOK: Thank you.

12                   MR. TAYLOR: Thank you.

13                   (Whereupon, the hearing was adjourned.)

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69:8 70:17 <b>testify</b> 72:9 <b>testimony</b> 10:5,8 10:12,17 11:4 12:14 35:4 49:1 60:20 71:17 73:2 <b>thank</b> 3:6,14,15 4:7 34:2 39:2 41:10 43:6,18 58:14 60:11 72:20,23 73:1 73:9,11,12 <b>things</b> 16:20 26:14 29:5 31:7 35:20,23 36:10 51:13 64:18 69:12 <b>think</b> 2:18 46:18 53:8,14 66:23 71:20 <b>thinking</b> 5:4 28:9 <b>third</b> 57:15 <b>THORNTON</b> 1:6 <b>threaten</b> 16:18 <b>threatened</b> 16:14 31:6 36:9 61:17 <b>threatening</b> 25:23 26:1 <b>three</b> 4:2 39:11 41:13 43:3 47:5 55:4,13 58:18 62:19 63:17 64:10 73:8 <b>threw</b> 17:1,4,10 29:5 31:7 35:23,23 60:7 <b>throw</b> 17:2,6 <b>throwing</b> 26:13 35:20 36:9	51:13 60:1 64:17 69:11 <b>thrown</b> 16:20 <b>time</b> 3:19 4:10 18:5 20:4 30:4 45:17 50:9 55:11 61:18 68:4 70:1 73:1 <b>timely</b> 9:1 <b>times</b> 9:18 <b>title</b> 12:6 13:19 14:21,22 44:20 45:2 47:2 <b>today</b> 3:5 <b>Today's</b> 7:23 <b>told</b> 11:11 15:5 15:20 22:11 24:16 27:2,10 30:16 34:11,12 36:12,15,16,16 38:4 39:5 61:17 63:2 69:4 70:3 71:5 <b>tolerated</b> 32:8 <b>Tommy</b> 3:9 5:2 6:4 7:14 8:9 <b>topic</b> 62:18 <b>Tracy</b> 3:1 6:10 7:14 8:9 11:12 <b>TRANSCRIP...</b> 1:3 <b>transfer</b> 5:23 <b>transferring</b> 4:14 68:5 <b>trash</b> 71:6 <b>tried</b> 18:1 <b>true</b> 40:9 41:12 41:23 42:2 63:22 64:5 <b>truth</b> 12:15,16 12:16 36:19 <b>trying</b> 4:20 36:2 36:5,10 59:23 68:16	<b>Tuesday</b> 53:17 66:21 <b>turn</b> 53:6 <b>turned</b> 19:13 45:7 <b>turning</b> 28:20 <b>Twenty</b> 25:4 <b>two</b> 4:2 12:4 39:11 47:17 48:5,6 55:2 57:5,8 59:6,21 73:7 <b>two-week</b> 27:12 27:18 <b>type</b> 26:3 57:4 61:11 <b>U</b> <b>UC</b> 11:14,16 12:3 <b>ultimately</b> 36:8 <b>unaware</b> 44:4 <b>uncontrollable</b> 35:21 <b>understand</b> 11:21 14:19 29:20 37:17,21 41:5 42:16 53:10 57:17 <b>understood</b> 16:4 47:20 <b>unemploy</b> 8:11 <b>unemployment</b> 2:9 3:4 4:19 5:12 6:6 7:19 8:6,12,15 9:7 9:19 11:20 73:5 <b>UNIDENTIFI...</b> 2:1,5 4:16,21 5:1,8,14,19,21 <b>unsafe</b> 15:23 16:12 30:22 32:6 33:2	<b>upset</b> 28:8 46:16 63:2 <b>use</b> 21:11,20 35:18 73:3 <b>V</b> <b>verbal</b> 24:17,20 47:21 48:14,15 48:17,18 49:7 57:22,23 60:8 <b>violence</b> 22:5 <b>volun</b> 30:19 <b>voluntarily</b> 9:5 9:15 28:10,13 46:1,20 71:23 72:1 <b>voluntary</b> 9:4 67:16 <b>VS</b> 1:6 <b>W</b> <b>wait</b> 4:6,15 <b>walk</b> 5:15 <b>walks</b> 33:6,15 <b>want</b> 32:3 38:6 41:6 53:8,12 58:7 60:21 <b>wanted</b> 33:9,12 53:9 54:11 66:2,7 <b>wants</b> 72:18 <b>wasn't</b> 28:9 38:14 <b>way</b> 35:1 56:23 <b>Wednesday</b> 53:18 58:2 <b>week</b> 8:13 <b>weekend</b> 46:19 53:7,15 <b>weekly</b> 9:18 <b>weeks</b> 73:8 <b>went</b> 48:21 69:5 <b>we'll</b> 10:17 <b>we're</b> 7:11,20 32:11 48:20	<b>Williams</b> 1:7 3:9 6:12 7:15 8:10 10:17 12:4,22 12:23 15:9 16:17 17:1 18:6,13 20:18 23:5 25:6 26:2 26:10,19 27:20 29:2,16 30:23 33:1,6,13 34:20,21,23 39:22 40:3,17 41:14,22 42:13 42:20 43:12 45:14 47:4,8 48:17 49:9,21 50:13,22 51:9 51:13 52:2 53:22 54:11 55:1 59:16,18 59:23 60:23 62:11,14 63:21 68:3 71:12,16 71:21 72:4,7 72:12 <b>Williams's</b> 47:2 54:7 59:9 <b>willing</b> 27:6 <b>wish</b> 28:2 <b>witness</b> 6:12 7:15 8:10 12:5 51:3,12 <b>witnessed</b> 50:21 <b>witnesses</b> 51:7 51:12 65:21 66:2,5,7,10 70:8,15 <b>women</b> 26:12 59:8 <b>word</b> 70:13,14 <b>words</b> 35:16 70:12 <b>work</b> 9:6,18 11:13 13:9,12
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367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

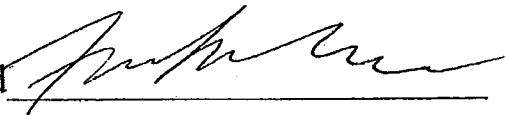
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13:13,15,16	24:16,20 61:1	19th 9:1		
14:3,10 15:10	61:2 62:4			
16:1,12 20:5	64:19 68:11,23	<u>2</u>		
21:7 25:5	wrote 19:12	20 63:19 66:23		
26:19 27:7,11	23:20 67:18	2001 14:8 44:16		
28:6 29:3,12		44:18		
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33:2 46:15,17	yeah 65:20	2006 7:23 8:14		
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worker 57:12	088858206 7:21	6/14 60:10		
working 13:4		6/16 45:6		
18:10 19:4	<u>1</u>	6/16/06 28:16		
21:3 25:13	1-866-770-1157			
27:2 29:15,18	3:20	<u>7</u>		
32:23 40:11	1-866-770-1197	7th 48:12		
42:7,8,12 43:8	4:12			
45:13 47:8,15	1:07-CV-712-...			
52:20 63:17,21	1:9			
63:22	10 18:2			
workplace 22:5	10:50 62:10			
35:10 56:2	14 37:1			
works 27:11	14th 16:22 23:21			
45:23	30:23 46:13			
work-connected	52:19 58:2			
9:6,8	65:20			
wouldn't 63:20	15 8:20 18:2			
66:18	15th 52:18,20			
write 66:9 68:21	16 29:1			
write-ups 29:21	16th 14:11 28:11			
writing 57:22	31:8 46:4,15			
written 22:4,15	48:10 52:10,12			
23:3 24:2,13	52:21 62:6,22			

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## Training Documentation

I, Frank Williams have received training on  
ccp#WICCP00300, ccp #WICCP 1100, WICCP00400, and  
WICCP01000. I have received a copy and clearly understand the work  
instructions.

Signed  Date 1-11-07

**PLAINTIFF'S  
EXHIBIT**

*J*

CONFIDENTIAL

FH000846



PLAINTIFF'S  
EXHIBIT

9

DATE: June 16, 2006  
TO: Frank Williams  
FR: Melvin Hutchins  
RE: **Written Counseling – 1<sup>st</sup> Step**

INCIDENT  
OCCURRED ON  
06/14/06

On June 14, 2006 you used profanity in the presence of other co-workers. *This is a violation of plant work rule #16, fighting, threatening, intimidating, coercing, interfering with fellow associates, or any other acts of violence on company property.*

Failure to follow the company policy has resulted in you receiving this **1<sup>st</sup> Step – Written Counseling**. Any future violations will result in additional disciplinary action up to and including termination

Melvin Hutchins

Melvin Hutchins  
Production Manager

Frank Williams

Frank Williams  
(Signature acknowledges  
Receipt of this document  
only.)

## Nutcracker Brands Inc.



## EMPLOYMENT APPLICATION

PERSONAL (RESUME MAY BE ATTACHED) DATE 09-22-00

NAME: LAST Williams FIRST Frank MIDDLE INITIAL D

TEMPORARY ADDRESS CITY Newton STATE MA ZIP CODE

PERMANENT ADDRESS CITY Newton STATE MA ZIP CODE

AREA CODE-TEMPORARY PHONE NUMBER 334 692-3099 AREA CODE-PERMANENT PHONE NUMBER 334 692-4334 SOCIAL SECURITY NUMBER 417-02-3546

WHERE YOU EVER EMPLOYED BY ALSTON PURINA, RALCORP HOLDINGS, OR ANY OF THEIR SUBSIDIARIES/AFFILIATES? ☐ YES ☒ NO IF YES, WHEN - WHERE

HAVE YOU EVER BEEN CONVICTED OF ANY FELONY? IF YES, DESCRIBE IN DETAIL (CONVICTIONS WILL NOT AUTOMATICALLY DISQUALIFY JOB CANDIDATES) When I was 18  
☒ YES ☐ NO Sentory Rape my girlfriend was 2 years younger than me

FOR WHAT POSITION ARE YOU APPLYING? open SALARY EXPECTATIONS open DATE AVAILABLE 09-25-00

HOW DID YOU BECOME AWARE OF THE POSITION? Ruce Cassidy

ARE YOU RELATED TO ANYONE EMPLOYED BY THE COMPANY? IF YES, WHO AND WHAT IS YOUR RELATIONSHIP?  
☐ YES ☒ NO

WILL YOU WORK OVERTIME, IF REQUIRED? ☒ YES ☐ NO WILL YOU WORK WEEKENDS, IF REQUIRED? ☒ YES ☐ NO

## EDUCATION

Achieved High School Diploma/GED? ☒ YES ☐ NO

(Include Education in Progress.)	FROM MO. YR.	TO MO. YR.	DIPLOMA DEGREE DATE	MAJOR	CLASS STANDING OR GRADE POINT AVERAGE
HIGH SCHOOL/LOCATION <u>JFI Ingram</u>			<u>Ged</u>		
TECHNICAL SCHOOL/COLLEGE LOCATION <u>JFI Ingram</u>	<u>3-92</u>	<u>4-94</u>	<u>AA</u>	<u>Business</u>	<u>3.4</u>

PLEASE LIST SPECIAL SKILLS, CERTIFICATIONS OR QUALIFICATIONS YOU POSSESS (SUCH AS FOREIGN LANGUAGE FLUENCY, CPA, COMPUTER SKILLS, ETC.)

PLAINTIFF'S  
EXHIBIT

## PERIENCE

se list all past work history including military and summer work. Use additional paper if necessary. (Please complete fully even if submitting resume.)

RT WITH PRESENT/LAST EMPLOYER

EMPLOYER		EMPLOYER'S ADDRESS AND PHONE NUMBER	
Jumps & Nathan		2256 Reeves St.	
ST SUPERVISOR/PHONE NUMBER	REASON FOR LEAVING		DATES OF EMPLOYMENT
Mike	N/A		FROM: 08-00 TO: 0
STARTING SALARY	PRESENT/LAST SALARY	PRESENT/LAST BONUS/COMM.	YOUR JOB TITLE(S)
66.00	88.50 hr.		Pipe fitter
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES			
Connected pipe, grinded			

EMPLOYER		EMPLOYER'S ADDRESS AND PHONE NUMBER	
Personal Resources		Fresh	
ST SUPERVISOR/PHONE NUMBER	REASON FOR LEAVING		DATES OF EMPLOYMENT
Dennis Ellis	Better Job		FROM: 06-00 TO: 08-00
STARTING SALARY	PRESENT/LAST SALARY	PRESENT/LAST BONUS/COMM.	YOUR JOB TITLE(S)
7.50	7.50		
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES			
Send milk, pull orders			

EMPLOYER		EMPLOYER'S ADDRESS AND PHONE NUMBER	
Theroen Pakhand		Baker hill	
ST SUPERVISOR/PHONE NUMBER	REASON FOR LEAVING		DATES OF EMPLOYMENT
Terne Wheeler 687-7790	Moved		FROM: 04-98 TO: 06-00
STARTING SALARY	PRESENT/LAST SALARY	PRESENT/LAST BONUS/COMM.	YOUR JOB TITLE(S)
6.50 hr.	28,000 year		First Supervisor
DESCRIBE YOUR DUTIES AND RESPONSIBILITIES			
oversee all production lines & make sure people where doing their jobs; Payroll check of all my employees			

PLEASE PROVIDE THREE BUSINESS REFERENCES OTHER THAN THOSE LISTED ABOVE.

NAME	TITLE	PHONE NUMBER	LENGTH OF TIME KNOWN
Bruce Cassidy	Supervisor	Flavor House	3 years
Butch Cassidy	Supervisor	(1) (1)	3 1/2 years
Cecil Feibman	Supervisor	Coca Cola	12 years

PLEASE READ THE FOLLOWING VERY CAREFULLY BEFORE SIGNING.

I acknowledge that the information I have supplied is correct to the best of my knowledge and belief without any omissions of any kind whatsoever. I understand that any falsifications, misrepresentations or omissions of fact may be grounds for rejection of my application or discharge at any time during my employment.

I understand that consideration for employment in this position is contingent upon the results of a reference and background check. I authorize the Company to investigate all statements made on my application for employment and to discuss the results of its investigations with those responsible for hiring. I further authorize the Company to contact my former employer(s) and any listed references or other persons who can verify information, and I give my consent for former employer(s) and other contacted persons to respond to questions pertaining to information on this application. Further, I release from liability such former employer(s) or other persons contacted by and providing information to the Company.

I understand that nothing in this application is intended to imply or create a contract of employment. I further understand that, if hired, my employment is at-will and can be terminated at any time for any reason, by the Company or me, with or without notice.

I acknowledge and agree that employment in the position for which I have applied may be contingent upon completion of a Company-paid physical examination. In addition, I understand that employment in this position is contingent upon successful completion of a test for the presence of illegal substances.

09-22-00  
DATE (MONTH & YEAR)

APPLICANT'S SIGNATURE

Frank Walker

CONFIDENTIAL

FH000815

DOCUMENTATION FORM

Employee Name: Linda Thornton

Investigating Supervisor: Chris Jordan Date: 2-16-06

Present: Melvin Hutchins

Who was involved: Frank Williams

Witness (s): \_\_\_\_\_

Date of incident: 2-16-06

Where did it take place: In hallway of Plant,

When did it take place (time and day): 2-16-06 AM

What happened: At approximately 10:50AM an employee came to me stating that Frank Williams had come to them this am, stating that I had been telling people that Frank Williams was a child molester. Immediately I met with M. Hutchins / Chris Jordan with this matter. This is after a previous meeting with M. Hutchins on the topic of many concerns with Frank and line & work situations.

Did this result in down time? No If yes how much?

Did this result in product being scrapped? If yes how much? NO

Attach an additional sheet if needed for witness statements following the same format.

Mark Beaul - present in smoking area

PLAINTIFF'S  
EXHIBIT

FH000005

213

DOCUMENTATION FORM

Employee Name: Frank Williams  
Investigating Supervisor: Chris Jordan Date: 2-16-06  
Present: N/A

Who was involved: Linda Thornton  
Witness (s): Jewell Silvey & Tracy Brantley  
Date of incident: 2-16-06

Where did it take place: Hall way  
When did it take place (time and day): 2-9-06

What happened: Jewell Silvey came up to me  
in the Hall way & told me that  
Linda Thornton was outside telling everyone  
that I was a child molester & my  
Brother's wife's Daughter was my  
girl friend this is harassment  
and I don't like it I  
don't start trouble. ~~that~~ what  
happen 15 years ago is none of  
her Business

Did this result in down time? No If yes how much?

Did this result in product being scrapped? No If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

PLAINTIFF'S  
EXHIBIT

12

FH000003

211



Tracey Bryantley  
Jewell Sillery  
Dyckie Ward  
Vickie Cook

DOCUMENTATION FORM

Employee Name: Linda Thornton  
Investigating Supervisor: Chris Gordon Date: 3-01-06  
Present: M. Hutchins

Who was involved: Frank Williams

PLAINTIFF'S  
EXHIBIT

Witness (s): N/A

13

Date of incident: Linda was told 2/28/06

Where did it take place: Break Area

When did it take place (time and day): After work

What happened: Repeatedly have been told of comments  
that team leader has made against me,  
One after investigation, very serious comments  
and threats made.

I just want this to be over with,  
which I believed it would be after  
last week's meeting with Tommy in HR,  
These threats & comments were made to an employee  
in the front office.

Did this result in down time? N/A If yes how much?

Did this result in product being scrapped? If yes how much? N/A

Attach an additional sheet if needed for witness statements following the same format.

FH000008

22:

## MEMORANDUM

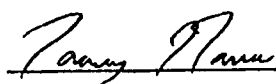
DATE: March 7, 2006  
TO: Linda Thornton  
FR: Tommy Nance  
RE: Memo to File

INCIDENT  
OCCURRED ON  
2/16/06

After investigating the events surrounding the allegations made on 2/16/06, I have determined that you acted in a way that was inflammatory and instigational. This is not the first altercation that has occurred between yourself and Frank Williams. Any continued comments of an inflammatory nature or comments meant to incite controversy will be dealt with in a similar fashion.

Failure to follow the proper procedures has resulted in you receiving this Memo to File.

Any future violations will result in additional disciplinary action up to and including termination.



Tommy Nance

Human Resources Manager



Linda Thornton

(Signature acknowledges  
Receipt of this document  
only.)

*I disagree with entire situation and  
who made comments, also with my  
record 4 years of employment This should  
show.*

PLAINTIFF'S  
EXHIBIT

14

FH000002

22

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LINDA THORNTON,**

**Plaintiff,**

**v.**

**FLAVOR HOUSE PRODUCTS, INC.  
and FRANKLIN D. WILLIAMS, JR.,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Civil Action No.:  
1:07-cv-712-WKW**

**DECLARATION OF MARY ANN BOYER**

1. I am the Director of Operations of the Flavor House Products, Inc. ("Flavor House") facility in Dothan, Alabama. I am over the age of eighteen and have personal knowledge of all matters stated herein.

2. Shortly after I came to Flavor House's Dothan facility in July, 2004, we introduced the "pay for skills" program in an effort to create consistency in pay rates among hourly employees and provide incentive for employees to improve their skill level. Under the pay for skills program, employees were assigned an initial skill rating of between 1 and 4 (with 1 being the lowest and 4 the highest skill level) based on their demonstrated abilities, experience and skill level, with each skill level being tied to a progressively higher hourly rate of pay. Employees could progress to a higher pay for skill level by demonstrating competency at the next level and passing a written test.

3. At the time we introduced the pay for skills program, Linda Thornton was assigned as a level 1 label operator. Although I encouraged Linda to test for higher skill levels at various times prior to March 2006, she did not do so. It was my understanding that Linda chose not to test for higher skills levels because her hourly rate was already higher than the hourly rate

for a level 4 operator. However, I informed Linda that due to how Flavor House allocates wage increases, Linda would eventually fall behind with respect to pay if her skill level were not increased.

4. I am aware that Linda Thornton appealed her pay for skills rating in March 2006. Linda was permitted to take the tests and demonstrate competencies required to move to higher skill levels without having to wait the normally required 6 months between tests. Copies of the tests taken by Linda in 2006 appear in her personnel file as it is maintained by Flavor House in the regular course of its business activities. Linda's personnel file reflects that she took and passed the tests between April 20 and May 10, 2006, and was assigned a level 4 skill rating in May 2006.

5. Flavor House maintains in the regular course of its business activities a record of the initial pay for skills rating assigned in 2004. A true and correct copy of the listing of the pay for skills ratings assigned to label operators at the time the initial ratings were assigned in 2004 as that document is maintained by Flavor House in the regular course of its business activities is attached to this declaration as Exhibit A. The document has been redacted so as not to reflect the pay for skills ratings assigned to employees other than label operators. As this document shows, of the label operators employed by Flavor House at the time the initial pay for skill ratings were assigned, all were assigned to level 1 except for two who were assigned to level 2 and two who were assigned to level 3. All of those assigned to levels 2 and 3 had been employed by Flavor House longer than Linda Thornton, and were believed to have greater experience and competency as label operators. At the time the initial ratings were assigned, Linda was being paid a higher hourly rate than two of the four who were assigned higher pay for skill ratings.



6. I am aware that Linda Thornton has complained in her lawsuit that John Millsaps threw a jar of nuts which hit her. I have reviewed John Millsaps' personnel file as it is maintained by Flavor House in the regular course of its business activities and found that it contains a counseling report issued to Millsaps on June 24, 2004 for this incident. A true and correct copy of the counseling report issued to Millsaps on June 24, 2004 as it is maintained by Flavor House in the regular course of its business activities is attached to this declaration as Exhibit B.

7. I am aware that Linda Thornton and Frank Williams both completed Documentation Forms in February 2006 relating to Linda telling other employees that Frank is a registered sex offender. I am also aware that Jewell Silvey and Tracey Brantley completed Documentation Forms regarding this incident. Copies of these Documentation Forms are maintained in the personnel file of Linda Thornton as it is maintained by Flavor House in the regular course of its business activities. True and correct copies of Jewell Silvey's and Tracey Brantley's Documentation Forms as they are maintained by Flavor House in the regular course of its business activities are attached to this declaration as Exhibit C.

8. I am aware that Linda Thornton complained on June 14, 2006 about an incident involving Frank Williams and that Declaration Forms were obtained from Linda Thornton, Frank Williams, Catherine Long, Wesley McInnis, Tameika Cooke and Mary Brooks regarding this incident. Copies of these Documentation Forms are maintained in the personnel file of Linda Thornton as it is maintained by Flavor House in the regular course of its business activities. A true and correct copy of Mary Brooks' Documentation Form as it is maintained by Flavor House in the regular course of its business activities is attached to this declaration as Exhibit D.

9. It is the regular practice of Flavor House to maintain an electronic record of the attendance of its employees. If an employee is absent from work, a letter code is used to note the reason for the absence. I have reviewed the 2006 attendance records of Tom Beard as those records are maintained by Flavor House in the regular course of its business activities. Tom's 2006 attendance records reflect that he was on FMLA leave from January 31, 2006 through March 31, 2006. A true and correct copy of Tom Beard's 2006 attendance records as those records are maintained by Flavor house in the regular course of its business activities is attached to this declaration as Exhibit E.

9. At the time that Linda Thornton quit her employment at Flavor House in June 2006, 3 of the 5 label operators on her shift (including Linda) were women. Linda was replaced by a female.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 8, 2008, at Dothan, Alabama.

  
MARY ANN BOYER

# EXHIBIT A

Employee	Hire Date	Classification	Department	Current Rates	Shift Differential	Skill Level	BASE Rates	Cents/hr Short	Annual dollars Impact	% 2-yr	Proposed \$	New Rate	% Increase	Total dollars	Lump Sum	Remain Short	Annualized Shortage Ramping
BRESELY, MICHAEL V	1/25/2004	LABELER	MANUFACTURING (FH)	\$ 9.00	\$0.25	1	\$ 10.50	\$ (1.50)	\$ (3,120.00)	14.29%	1.50	\$10.50	16.67%	\$3,120.00		\$ -	\$ -
BARKER, SARA A	10/09/2003	LABELER	MANUFACTURING (FH)	\$ 9.50	\$0.25	1	\$ 10.50	\$ (1.00)	\$ (2,080.00)	9.52%	1.00	\$10.50	10.53%	\$2,080.00		\$ -	\$ -
MULLINS, PATRICK LAMONT	11/10/2003	LABELER	MANUFACTURING (FH)	\$ 10.00	\$0.25	1	\$ 10.50	\$ (0.50)	\$ (1,040.00)	4.76%	0.50	\$10.50	5.00%	\$1,040.00		\$ -	\$ -
POWELL, BRADLEY FRANK	10/09/2003	LABELER	MANUFACTURING (FH)	\$ 10.25		1	\$ 10.50	\$ (0.25)	\$ (520.00)	2.38%	0.25	\$10.50	2.44%	\$ 520.00		\$ -	\$ -
PORTER, JAMES T	9/25/2000	LABELER	MANUFACTURING (FH)	\$ 10.65		2	\$ 10.85	\$ (0.19)	\$ (395.20)	1.75%	0.19	\$10.85	1.78%	\$ 395.20		\$ -	\$ -
BEARD, MARK	5/2/2000	LABELER (FL)	MANUFACTURING (FH)	\$ 11.70		3	\$ 11.20	\$ -	\$ -	0.00%	0.00	\$11.70	0.00%	\$ -	\$ 486.72	\$ -	\$ -
BRANTLEY, TRACEY A	11/17/2003	LABELER	MANUFACTURING (FH)	\$ 10.75		1	\$ 10.50	\$ -	\$ -	0.00%	0.00	\$10.75	0.00%	\$ -	\$ 447.20	\$ -	\$ -
CASSADY, CHRISTOPHER B	7/29/2002	LABELER	MANUFACTURING (FH)	\$ 10.80		1	\$ 10.50	\$ -	\$ -	0.00%	0.00	\$10.80	0.00%	\$ -	\$ 446.28	\$ -	\$ -
CASSADY, TIMOTHY B	7/28/1999	LABELER (FL)	MANUFACTURING (FH)	\$ 11.33	\$0.25	3	\$ 11.20	\$ -	\$ -	0.00%	0.00	\$11.33	0.00%	\$ -	\$ 471.33	\$ -	\$ -
PARRISH, LINDA A	6/25/2001	LABELER	MANUFACTURING (FH)	\$ 11.62		1	\$ 10.50	\$ -	\$ -	0.00%	0.00	\$11.62	0.00%	\$ -	\$ 483.39	\$ -	\$ -
SANDERS, RODERICK B	12/23/2002	LABELER	MANUFACTURING (FH)	\$ 10.82		1	\$ 10.50	\$ -	\$ -	0.00%	0.00	\$10.82	0.00%	\$ -	\$ 450.11	\$ -	\$ -
WILLIAMS, FRANK D	9/25/2000	LABELER	MANUFACTURING (FH)	\$ 11.70		2	\$ 10.85	\$ -	\$ -	0.00%	0.00	\$11.70	0.00%	\$ -	\$ 486.72	\$ -	\$ -
TOTALS				Average \$ 10.68			\$ 10.68		\$ (7,155.20)		3.44	\$ 10.96		\$7,155.20	\$ 3,274.75		\$ -
Total Labeler Impact														\$10,429.95			\$ -

**LABEL OPERATOR****Can Line  
ANSWERS**

1. If the lift does not raise the labels, which of the following statements could be a possible reason?

- a. Hydraulic fluid pressure is too high.
- ☒ b. Label basket is too loose.
- c. Curling bar is either loose or not tight.

**Answer:**

2. If the label is not being picked up, which of the following is not a true statement.

- a. Hot pickup glue is too low.
- b. Hot pickup glue is too high.
- c. Too many glue rollers (wheels).
- ☒ d. Speed of machine is too fast.

**Answer:**

3. If the label machine is running but the label table will not lift the labels up, which of the following is a possible problem?

- a. Check sensor to make sure it is blocked.
- ☒ b. Hydraulic pump not turned on.
- c. Belts are too tight.

**Answer:**

4. What is the ideal air pressure for the cold glue?

- ☒ a. 10-20 psi.
- b. 30-40 psi.
- c. 60-70 psi.

**Answer:**

5. ☒ True or False. The room temperature will affect how the label machine performs.

**Answer:**

6. True or ☒ False. Overhead belts should not be cleaned.

**Answer:**

7. ☒ True and False. Guide rails being too tight can cause loose labels.

**Answer:**

8. ☒ True or False. When operating the label machine you should use as many glue rollers (wheels) as possible.

**Answer:**

9. What does pp mean on the description of the BOM/schedule?

**Answer:** PRE PRICED



10. How many minutes are there between label checks?

Answer: 15 MIN

11. How would you determine if you have the correct label for the order you are about to run?

Answer: CHECK THE NAME OF LABEL, CHECK UPC CODE

12. If the padding on the label machine is sticky or tacky, what will this cause?

Answer: LOOSE LABELS

13. True or False If the label is on the top or bottom rim of the can this is acceptable.

Answer:

14. If the capper is stripping off labels as the cans go through the machine, which of the following statements is false.

a. Speed of label machine is too fast.

b. Too much cold glue.

c. Padding needs to be replaced.

Answer:

15. Which of the following statements is incorrect.

a. If a flex rail breaks it could cause the cans to jam the machine.

b. Improper spacing of glue wheels will cause build up of glue on the belts.

c. The label machines cannot be slowed down.

Answer:

16. True or False The hot glue needs to set at the same setting every day.

Answer:

17. What are the 4 tools most commonly used on a label machine during a

changeover? ALLEN PACK, 7/16" WRENCH, CHANCE LOCKS, FLAT TIP SCREWDRIVER

18. True or False. Low air pressure will cause problems with the cold glue.

Answer:

19. How many E-stops are on the label machine?

Answer: ONE

20. If the tension springs break on the rollers what could this cause?

Answer: LOOSE LABELS

Patrick Mullins

-2

Level  
2  
Level  
3  
8/28/06

**LABEL OPERATOR**  
**Pay For Sill Test (Level 3)**  
**ANSWERS**

**Requirements of a level 3 Label Machine Operator:**

- **Must pass the written and practical test for a Level 3 Label Machine Operator.**
- **Must be able to operate ALL label machines on lines 1, 2, 3, 4, and 5 in an efficient manner. Very little to NO assistance from any other operator or Bruce Cassady should be required.**
- **Any packaging line where you are the assigned label operator, must meet standards on a consistent basis without errors from the label machine operator.**
- **Must be able to changeover all label machines to the various sizes it may run. The changeovers must be done in a timely manner and excessive downtime due to the changeovers will not be acceptable.**
- **Must possess the ability to recognize and solve problems in a timely fashion.**
- **Must have a good working relationship with all team members.**
- **Must possess good communication skills.**
- **Must be a team player.**
- **Must show initiative.**
- **Must have written approval from your packaging supervisor, shift maintenance supervisor, and shift superintendent.**
- **Must have final approval from the Manager of Maintenance and Production.**

**Section A: The following questions will be worth 50% of Level 3 test:**

1. Which of the following could cause loose labels?
  - a. Guide rails are too tight.
  - b. Glue applicators are too high.
  - c. Hydraulic fluid is low.
  - ☒ d. All the above.
2. Which of the following could cause the labels to fall off the container, or the label edges flag?
  - a. The height of the label basket is not correct.
  - b. The label basket registration adjustment is not correct.
  - ☒ c. The wipe down brushes are dirty, worn, or not positioned correctly.
3. ☒ True or False. If a large amount of adhesive was just added to the reservoir, it could cause the adhesive temperature to be low.

~~NO Pay Change~~

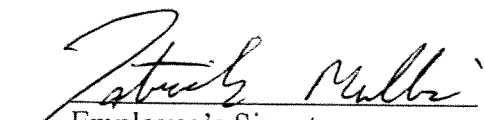
- (open and close)
4. The label basket carriage has four adjustments. What are they?  
 The width adjustments, the height adjustments (front and back) the basket control up and down and the label control up and down.
5. If the JOG pushbutton on the Remote Jog Station is pressed and the machine does not run what should you do? make sure that the proper safety door are down and make sure that the control is in jog mode.
6. What is the maximum level of the glue in the reservoir from the top of the glue pot? Full 75%
7. What is the push plate for on the label basket?  
 a. Hold labels in place  
 b. Put tension on containers  
 c. All the above
8. If glue heaters are turned off, the glue pump can only be turned on again when adhesive reaches its operating temperature True or False.
9. The labels are slanted or angled on the container, which of the following would correct the problem?  
 a. The brush station is not positioned correctly.  
 b. There is excessive adhesive on the label and the label is slipping.  
 c. The label basket registration adjustment is not correct.  
 d. All the above.
10. True or False. Label knives that are too dull cause labels to tear.

**Section B:** The complete changeover of a jar line label machine. This part of the Level 3 test will include start-up with no errors and no assistance.

The operator will be allowed 50 minutes to perform changeover and will count as 25 % towards the Level 3 test.

**Section C:** The complete changeover of a jar line label machine. This part of the Level 3 test will include start-up with no errors and no assistance.

The operator will be allowed 25 minutes to perform changeover and will count as 25 % towards the Level 3 test.

  
Employee's Signature

\_\_\_\_\_  
Supervisor's Signature

Passed Written

Portion

(MH) 11-29-06

**LABEL OPERATOR**  
**Pay For Sill Test (Level 3)**  
**ANSWERS**

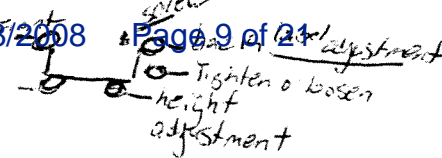
**Requirements of a level 3 Label Machine Operator:**

- **Must pass the written and practical test for a Level 3 Label Machine Operator.**
- **Must be able to operate ALL label machines on lines 1, 2, 3, 4, and 5 in an efficient manner. Very little to NO assistance from any other operator or Bruce Cassady should be required.**
- **Any packaging line where you are the assigned label operator, must meet standards on a consistent basis without errors from the label machine operator.**
- **Must be able to changeover all label machines to the various sizes it may run. The changeovers must be done in a timely manner and excessive downtime due to the changeovers will not be acceptable.**
- **Must possess the ability to recognize and solve problems in a timely fashion.**
- **Must have a good working relationship with all team members.**
- **Must possess good communication skills.**
- **Must be a team player.**
- **Must show initiative.**
- **Must have written approval from your packaging supervisor, shift maintenance supervisor, and shift superintendent.**
- **Must have final approval from the Manager of Maintenance and Production.**

**Section A: The following questions will be worth 50% of Level 3 test:**

- ✓ 1. Which of the following could cause loose labels?
  - a. Guide rails are too tight.
  - b. Glue applicators are too high.
  - c. Hydraulic fluid is low.
  - ☒ d. All the above.
  
- ✓ 2. Which of the following could cause the labels to fall off the container, or the label edges flag?
  - a. The height of the label basket is not correct.
  - b. The label basket registration adjustment is not correct.
  - ☒ c. The wipe down brushes are dirty, worn, or not positioned correctly.
  
- ✓ 3. ☒ True or False. If a large amount of adhesive was just added to the reservoir, it could cause the adhesive temperature to be low.





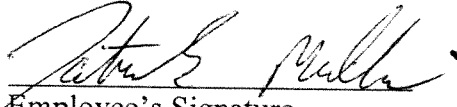
- ✓ 4. The label basket carriage has four adjustments. What are they?
- ① The left and right height adjustment of the basket ② The front and back of the label adjustment ③ The up and down height adjustment of the entire basket (screen) ④ The tighten or loosen of the basket used with allen wrench
- ✓ 5. If the JOG pushbutton on the Remote Jog Station is pressed and the machine does not run what should you do? make sure the machine is in jog mode, all safety doors are closed and not pressed in.
- X 6. What is the maximum level of the glue in the reservoir from the top of the glue pot? 75%
- X 7. What is the push plate for on the label basket?
- Hold labels in place
  - Put tension on containers
  - ③ All the above
- ✓ 8. If glue heaters are turned off, the glue pump can only be turned on again when adhesive reaches its operating temperature. True or False. True
- ✓ 9. The labels are slanted or angled on the container, which of the following would correct the problem?
- The brush station is not positioned correctly.
  - There is excessive adhesive on the label and the label is slipping.
  - The label basket registration adjustment is not correct.
  - ④ All the above.
- ✓ 10. True or False. Label knives that are too dull cause labels to tear. True

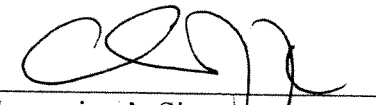
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The operator will be allowed 50 minutes to perform changeover and will count as 25 % towards the Level 3 test.

**Section C:** The complete changeover of a jar line label machine. This part of the Level 3 test will include start-up with no errors and no assistance.

The operator will be allowed 25 minutes to perform changeover and will count as 25 % towards the Level 3 test.

  
Employee's Signature

  
Supervisor's Signature

Name: Patrick Mullins

Date: 12-29-05

## LABEL OPERATOR

### Jar Line

- ✓ 1. How many E-stops are on the Krones Canmatic?  
7
- ✓ 2. How many safety eyes are protecting the Krones Canmatic?  
4
- ✓ 3. What two adjustments can control the amount of glue flow on the lap roller?  
scraper, lap roller
- ✓ 4. True or False. The SET UP MODE screen is where the operator can make a height adjustment.  
True
- ✓ 5. Equipment number 1 is used for what size?
  - a. 8 oz.
  - b. 12 oz.
  - c. 16 oz.
- ✓ 6. Equipment number 2 is used for what size?
  - a. 8 oz.
  - b. 12 oz.
  - c. 16 oz.
- ✓ 7. Equipment number 3 is used for what size?
  - a. 8 oz.
  - b. 12 oz.
  - c. 16 oz.
- ✓ 8. True or False. If the height adjustment is not in the proper placement, the lap roller will be out of timing.  
True
- ✓ 9. Which of the following settings can be adjusted in the setup screen of the control panel?
  - a. Speed
  - b. Equipment number

1-2-6  
level I  
to  
level II

- c. Timing  
 d. All the above

- ✓ 10. True or False. To complete a changeover an operator needs a 15 mm wrench.
- ✓ 11. Where is the reset button located when there is a main load override malfunction?  
*inside the control panel*
- ✓ 12. What is the security code needed for resetting the production counter?  
*12321*
- ✓ 13. What causes a main load override malfunction?  
*speed too high*
- ✓ 14. What happens if you raise one of the doors on the Krones Canmatic?  
*it automatically shuts off*
- ✓ 15. True or False. The scraper cannot be used to adjust the amount of glue on the pick-up side roller?
- ✓ 16. How many different parts are needed for a change over?  
 a. 10  
 b. 14  
 c. 6  
 d. none of the above
- ✓ 17. Where are the jog chords located on the Krones Canmatic?  
 ① door 3+4  
 ② door 2+4
- ✓ 18. True or False. A bent container will not cause a container jam.
- ✓ 19. How many minutes are there between label checks?  
*15 minutes*
- ✓ 20. How would you determine if you have the correct label for the order you are about to run?  
*by the upc number on the label to match the upc work number on the schedule.*

10-27-05

Mullins

**LABEL OPERATOR****Jar Line  
ANSWERS**10  
50

1. How many E-stops are on the Krones Canmatic? 7

☒ 2. How many safety eyes are protecting the Krones Canmatic?  
5

3. What two adjustments can control the amount of glue flow on the lap roller?

There is an adjustment screw beside the lap roller which increases or decreases the amount of glue being sent. There is a scraper located against the lap roller to remove excess glue from lap roller.

☒ 4. True or False. The SET UP MODE screen is where the operator can make a height adjustment.  
True False

☒ 5. Equipment number 1 is used for what size?  
a. 8 oz.  
b. 12 oz.  
c. 16 oz.

6. Equipment number 2 is used for what size?  
a. 8 oz.  
☒ b. 12 oz.  
c. 16 oz.

☒ 7. Equipment number 3 is used for what size?  
a. 8 oz.  
b. 12 oz.  
☒ c. 16 oz.

☒ 8. True or False. If the height adjustment is not in the proper placement, the lap roller will be out of timing.  
False

☒ 9. Which of the following settings can be adjusted in the setup screen of the control panel?  
a. Speed  
☒ b. Equipment number  
c. Timing  
d. All the above



10. True or False. To complete a changeover an operator needs a 15 mm wrench.
11. Where is the reset button located when there is a main load override malfunction?  
on the inside of the control box
12. What is the security code needed for resetting the production counter?
13. What causes a main load override malfunction?  
The glue pot malfunctioning (getting too hot), Jammed jar in machine causing the machine to override.
14. What happens if you raise one of the doors on the Kronos Canmatic?  
The machine stops
15. True or False. The scraper cannot be used to adjust the amount of glue on the pick-up side roller? False
16. How many different parts are needed for a change over?  
a. 10  
b. 14  
c. 6  
d. none of the above
17. Where are the jog chords located on the Kronos Canmatic?  
on the corners of the front and back of the safety doors
18. True or False. A bent container will not cause a container jam.  
False
19. How many minutes are there between label checks?  
15 minutes
20. How would you determine if you have the correct label for the order you are about to run? Check the UPC number on the label and compare it to the UPC number on the work order you are about to run.

85

**LABEL OPERATOR**  
**Pay For Skill Test (Level 2)**  
**Part #1**  
**ANSWERS**

**Requirements of a Level 2 Label Machine Operator:**

- You must pass both a written test and several practical requirements.
- You must be able to run a jar and can line label machine with very minimal assistance from Bruce Cassady or other label machine operators.
- You must be able to change over a jar and can line label machine to the various sizes it may run.
- When running the can and jar line label machines, there must be very little downtime on the label machine, which will prevent the accomplishment of line standards. This task must be done on a consistent basis.
- You must be a team player.
- You must be able to work well with others.
- You must be able to recognize and solve problems in a timely manner.
- You must receive signed approval from your production supervisor, maintenance shift supervisors, and shift superintendents.
- You must receive final approval from the Manager of Maintenance and Production.

1. If the lift does not raise the labels, which of the following statements could be a possible reason?
- a. Hydraulic fluid pressure is too high.
  - b. Label basket is too loose.
  - c. Curling bar is either loose or not tight.

Answer: C

- X 2. If the label is not being picked up, which of the following is not a true statement.
- a. Hot pickup glue is too low.
  - b. Hot pickup glue is too high.
  - c. Too many glue rollers (wheels).
  - d. Speed of machine is too fast.

Answer: B

3. If the label machine is running but the label table will not lift the labels up, which of the following is a possible problem?
- a. Check sensor to make sure it is blocked.
  - b. Hydraulic pump not turned on.
  - c. Belts are too tight.

Answer: B

4. What is the ideal air pressure for the cold glue?

5-19-08  
Level 1 11.47  
to  
Level 2 11.87

- a. 10-20 psi.
- b. 30-40 psi.
- c. 60-70 psi.

Answer:

5. True or False. The room temperature will affect how the label machine performs.

Answer: TRUE

6. True or False. Overhead belts should not be cleaned.

Answer: FALSE

7. True and False. Guide rails being too tight can cause loose labels.

Answer: TRUE

8. True or False. When operating the label machine you should use as many glue rollers (wheels) as possible.

Answer: TRUE

9. What does pp mean on the description of the BOM/schedule?

Answer: PRE PRESSED

10. How many minutes are there between label checks?

Answer: 15

11. How would you determine if you have the correct label for the order you are about to run? YOU CHECK THE ITEM NUMBER FOR THE LABEL AGAINST THE  
 Answer: NUMBER ON THE LABEL BOX, THE LABEL ITSELF AND IN THE  
~~SPEC. BOOKS~~

12. If the padding on the label machine is sticky or tacky, what will this cause?

Answer: LOOSE OR TORN LABELS

13. True or False. If the label is on the top or bottom rim of the can this is acceptable.

Answer: FALSE

14. If the capper is stripping off labels as the cans go through the machine, which of the following statements is false.

- a. Speed of label machine is too fast.
- b. Too much cold glue.
- c. Padding needs to be replaced.

Answer: A

15. Which of the following statements is incorrect.

- a. If a flex rail breaks it could cause the cans to jam the machine.
- b. Improper spacing of glue wheels will cause build up of glue on the belts.
- c. The label machines cannot be slowed down.

Answer: C

16. True or False. The hot glue needs to set at the same setting every day.

Answer: *FALSE*

17. What are the 4 tools most commonly used on a label machine during a changeover? Answer: *'CHARLIE' COARD; ALLEN PAX, 7/16" WRENCH  
FLAT TIP SCREWDRIVER*

18. True or False. Low air pressure will cause problems with the cold glue.

Answer: *TRUE*

19. How many E-stops are on the label machine?

Answer: *1*

20. If the tension springs break on the rollers what could this cause?

Answer: *LOOSE LABELS AND LABELS THAT WILL NOT ALING CORRECTLY  
ON THE CAN*

## **Part #2 Answers**

1. How many E-stops are on the Krones Canmatic?

Answer: *7*

2. How many safety eyes are protecting the Krones Canmatic?

Answer: *4*

3. What two adjustments can control the amount of glue flow on the lap roller?

Answer: *PLACEMENT OF THE SCRAPER AND THE SETTING OF THE  
GLUE SET SCREW*

4. True or False. The SET UP MODE screen is where the operator can make a height adjustment.

Answer: *T TRUE*

5. True or False. If the height adjustment is not in the proper placement, the lap roller will be out of timing.

Answer: *TRUE*

6. What is the proper sequence (Steps 1 to 3) for timing the container handling system?

- 2* Transfer stars to Bottle Table.
- 3* Bottle Table to Centering Bell.
- 1* Infeed Screw to Infeed Star.

7. True or False. The reservoir drain valve and plug are the same temperature as the outside of the glue pot.

Answer: *FALSE*

8. True or False. To complete a changeover an operator needs a 15 mm wrench.

Answer: *FALSE*

9. What causes a main load override malfunction?

Answer: *A JAM THAT HAS FALLEN OVER IN THE INFEED SCREW* Label speed is set too high

10. True or False. The brush bristles should not penetrate more than one quarter of an inch into the container.

Answer: *TRUE*

11. What happens if you raise one of the doors on the Krones Canmatic?

Answer: *MACH WILL STOP*

12. True or False. The scraper cannot be used to adjust the amount of glue on the pick-up side roller?

Answer: *FALSE*

13. Where are the jog chords located on the Krones Canmatic?

Answer: *DOORS 3 & 4*

14. True or False. A bent container will not cause a container jam.

Answer: *FALSE*

15. If the lap end of the label shows no adhesive pattern, it could be the result of which of the following?

- a. Mispositioned brush segments.
- b. Labels not coming to the front of the fingertips.
- c. Lap roller out of position.
- d. All of the above.

Answer: *~~A~~ D*

*only B & C*

16. How many minutes are there between label checks?

Answer: *15*

17. How would you determine if you have the correct label for the order you are about to run?

Answer: *CHECK THE ANSWER FOR QUESTION 11*

*Match UPC From Label to 130M Schedule*

18. True or False. If any safety device (guard cover, guard door, stop button, etc.) is missing, broken, or malfunctioning, the machine can still be operated.

Answer: *FALSE*



19. What operator action will stop the machine?

- a. Push a Machine Stop button.
- b. Push an E-Stop button.
- c. Open a guard door.
- d. Close the Bottle Stop.
- e. All of the above.
- f. Only A, B and C are correct.

Answer: e

20. Which of the following are safety items that should be reported immediately?

- a. Missing or broken guards/guard doors.
- b. Guard door interlock switch not working.
- c. Emergency Stop button does not immediately stop the machine from rotating.
- d. A co-worker that is not following correct safety procedures or practices.
- e. All the above.
- f. None of the above.

Michael V. Boudreau  
Employee's Signature

Betty In 5/15/08  
Supervisor's Signature

**LABEL OPERATOR****Can Line  
ANSWERS**

1. If the lift does not raise the labels, which of the following statements could be a possible reason?

- a. Hydraulic fluid pressure is too high.
- ☒ b. Label basket is too loose.
- c. Curling bar is either loose or not tight.

**Answer:** :

2. If the label is not being picked up, which of the following is not a true statement.

- a. Hot pickup glue is too low.
- b. Hot pickup glue is too high.
- c. Too many glue rollers (wheels).
- ☒ d. Speed of machine is too fast.

**Answer:** :

3. If the label machine is running but the label table will not lift the labels up, which of the following is a possible problem?

- a. Check sensor to make sure it is blocked.
- ☒ b. Hydraulic pump not turned on.
- c. Belts are too tight.

**Answer:**

4. What is the ideal air pressure for the cold glue?

- ☒ a. 10-20 psi.
- b. 30-40 psi.
- c. 60-70 psi.

**Answer:**

5. ☒ True or False. The room temperature will affect how the label machine performs.

**Answer:**

6. True or ☒ False. Overhead belts should not be cleaned.

**Answer:**

7. ☒ True and False. Guide rails being too tight can cause loose labels.

**Answer:**

8. ☒ True or False. When operating the label machine you should use as many glue rollers (wheels) as possible.

**Answer:**

9. What does pp mean on the description of the BOM/schedule?

**Answer:** ! PRE PRICED

10. How many minutes are there between label checks?

Answer: 15 min

11. How would you determine if you have the correct label for the order you are about to run?

Answer: CHECK THE NAME OF LABEL, CHECK UPC CODE

12. If the padding on the label machine is sticky or tacky, what will this cause?

Answer: LOOSE LABELS

13. True or False If the label is on the top or bottom rim of the can this is acceptable.

Answer:

14. If the capper is stripping off labels as the cans go through the machine, which of the following statements is false.

a. Speed of label machine is too fast.

b. Too much cold glue.

c. Padding needs to be replaced.

Answer:

15. Which of the following statements is incorrect.

a. If a flex rail breaks it could cause the cans to jam the machine.

b. Improper spacing of glue wheels will cause build up of glue on the belts.

c. The label machines cannot be slowed down.

Answer:

16. True or False The hot glue needs to set at the same setting every day.

Answer:

17. What are the 4 tools most commonly used on a label machine during a

changeover? ALLEN PACK, 7/16" WRENCH, CHARLIE LOCKS, FLAT TIP SCREWDRIVER

18. True or False. Low air pressure will cause problems with the cold glue.

Answer:

19. How many E-stops are on the label machine?

Answer: ONE

20. If the tension springs break on the rollers what could this cause?

Answer: LOOSE LABELS

# **EXHIBIT B**

## FLAVOR HOUSE PRODUCTS

X Counseling Report

Warning Report

Employee	Johnny Mills	Emp. #	Date Submitted for Approval
Department	Maintenance	Shift	2 <sup>nd</sup>
Shift Supervisor	Department Manager	Craig Smith	

## SITUATION IN BRIEF (State violation according to Discipline &amp; Discharge Policy):

Johnny threw a jar that bounced off a rail and hit Linda

## DETAILS (Be specific)(See checklist on back):

Date Discussed With Employee

Linda got mad over the incident

## ACTION TAKEN (Recommendation)(See checklist on back):

Never throw anything anywhere inside the plant. Counseling Report

## COMMENTS:

Another incident will result in further disciplinary action up to and including discharge

## EMPLOYEE:

X John W. Mills

## Shift Supervisor

Date

Witness

Donald P. Coby

Date 7-1-04

## Department Manager

Date

## Human Resources

Date

## Plant Manager

Date

Craig Smith

6/30/04

Reyn. Allen

7/2/04

NOTICE: MUST BE APPROVED BY HUMAN RESOURCES AND PLANT MANAGER



# EXHIBIT C

DOCUMENTATION FORM

Employee Name: Tracey Brantley

Investigating Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Present: \_\_\_\_\_

Who was involved: Linda Jewel

Witness (s): Tracey

Date of incident: \_\_\_\_\_

Where did it take place: \_\_\_\_\_

When did it take place (time and day): \_\_\_\_\_

What happened: Jewel told me that Linda said that  
she wanted Jewel to look on the Pathan Eagle  
web site and make a copy of Frank picture and  
put it in the suggest box. Then I heard Linda  
said it myself as she was telling Jewel in  
the smoking area. I did not know if she was  
joking or not.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

DOCUMENTATION FORM

Employee Name: Jewell Silvey

Investigating Supervisor: \_\_\_\_\_ Date: 2-23-06

Present: \_\_\_\_\_

Who was involved: Linda Thoren

Witness (s): Jewell Silvey, Tracy, Vickie, Jackie

Date of incident: 13<sup>th</sup> / 16<sup>th</sup>

Where did it take place: smoking area

When did it take place (time and day): before work, after work

What happened: Linda told me Frank has been in prison for being a sex offender. I asked if the company knew about it, then Linda said I could look it up on Vothax, Co. sex offenders and make a copy to put in the suggestion box. I did state that at a certain age it would be child molesting. When Frank's little boy came to see him

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

Vickie thought he the little boy was a little girl. Frank turned around and said thats my baby. Apartly Franks little boy came to see him a different day than when everything was said. Vickie just said that because she thought it was funny when Frank turned and said thats my baby. Linda turned the statement around and said the little one must of been his girlfriend. She was talking loud enough for everyone to hear.

Jewell Silvey

# EXHIBIT D



DOCUMENTATION FORM

Employee Name: Mary Brooks

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thorne

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 label machine

When did it take place (time and day): Before lunch

What happened: She came back from break (Linda

did paperwork) Mary walked off and did not

witness anything. She did state they argue

and fuss everyday not just yesterday.

Mary Brooks

Did this result in down time? N/A If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

# EXHIBIT E



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LINDA THORNTON,**

**Plaintiff,**

**v.**

**FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,**

**Defendants.**

**Civil Action No.: 1:07cv712-WKW**

**DECLARATION OF LEIGH TAYLOR**

**STATE OF ALABAMA  
COUNTY OF DALE**

1. My name is Leigh Taylor. I am over nineteen years of age, suffer no incapacities, and have personal knowledge of the facts sets forth in this declaration.

2. I was employed at Flavor House Products, Inc. ("Flavor House") in Dothan, Alabama as an accounts payable associate from September 2004 until April 2006.

3. During the time that I worked at Flavor House, I was acquainted with both Linda Thornton and Frank Williams. I was aware that Linda Thornton and Frank Williams did not like each other.

4. During the time that we were both employed by Flavor House, Linda Thornton told me that Frank Williams was a registered sex offender. I was not aware of this fact before Linda informed me of it.

5. Frank Williams never talked to me about his sex life, nor did I ever hear Frank Williams talk to anyone else about his sex life. I never heard Frank Williams make any sexually

inappropriate comments or engage in any sexually harassing behavior towards Linda Thornton or anyone else.

6. Frank Williams never made any threatening comments to me about Linda Thornton, nor did I ever hear Frank Williams make any threatening comments about Linda Thornton or anyone else. I never heard Frank Williams say that he was "going to get" Linda Thornton, or that he was going to "f--- her up."

7. I was aware that Linda Thornton told Tommy Nance that I had heard Frank Williams make threatening comments about her because Tommy Nance called me into his office to question me about this. I told Tommy Nance that I had not heard Frank Williams make any threatening comments about Linda Thornton or anyone else.

8. I declare under penalty of perjury that the foregoing declaration is true and correct, and I have dated each page and any changes and signed below on this 1 day of May, 2008.

  
Leigh Taylor